



## VILLAGES:

An act to amend an act entitled "An act to incorporate the village of Naperville," approved February 7, 1857.....	726
An act to change the name of Junction, in Du Page county, to the name of Turner.....	728

## WAREHOUSES AND PIER COMPANIES:

An act to incorporate the Chicago South Branch Dock Company.....	728
An act to incorporate the Waukegan Warehouse and Pier Company.....	732



# PRIVATE LAWS.

## BENEVOLENT CORPORATIONS.

AN ACT to incorporate the Chicago Home for the Friendless.

In force February 12, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Martha A. Wilson, Adaline R. Judd, Julia Dole, Julia A. Warner, Anna M. Gibbs, Margaretta Varien, Jane C. Hoge, Margaret M. Gilman, Lavinia Morris, Emily F. Roy, Adaline C. Morgan, Maria Exceen, Minerva Botsford, Emma F. Haines, and their associates, are hereby constituted a body corporate and politic, by the name and style of the "Chicago Home for the Friendless," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said incorporation as fully and as completely as a natural person might or could do. Corporators.

§ 2. The object and purposes of said incorporation shall be the relieving, aiding and providing homes for friendless and indigent women and children. Objects.

§ 3. Any person may become an annual member of said corporation, who shall pay to the treasurer thereof the sum of one dollar annually, and any person may become a life member of said corporation who has paid or shall at any one time pay to the treasurer thereof the sum of ten dollars or more. Membership.

§ 4. The officers of this corporation shall be a president, vice-president, secretary, treasurer and a board of female managers, not less than twelve, the number to be determined by the members of said corporation, from time to time. The president, vice-president, secretary, treasurer and board of managers shall be elected annually, by the members of said Officers.

Vacancy.

corporation on the first Monday in each year. All of said officers shall hold their respective offices for one year and until their successors are elected. In case of any vacancy in either of said offices by death, resignation or otherwise, the board of managers shall have power to fill such vacancy until the next annual election. The regular annual meeting of the officers and managers of this corporation shall be on the first Monday in each year. The president and secretary of this corporation shall be *ex officio* president and secretary of the board of managers, and shall be associated with said board in all matters of business pertaining to this corporation. It shall require at least seven of said board of managers to constitute a quorum to do business. In the absence of the president the vice-president shall preside as president, and in the absence of both, the managers may elect a president *pro tem.*, and in the absence of the secretary a secretary *pro tem.* may be appointed.

Power to receive real estate or personal property.

§ 5. The said corporation may receive, take and hold, either by gift, purchase, devise, bequest or otherwise, any real or personal estate for the use of and for the advancement of the purposes of said corporation, whether the same be purchased, given, devised, bequeathed or conveyed directly to said corporation or to any of its officers for the use of said corporation, and all real or personal property held by or for the use of said corporation or occupied by it, shall be exempt from taxation. No real estate to which said corporation shall acquire title shall [be] alienated or leased for a longer term than two years at one time, except by a majority vote of the managers at an annual meeting or at a special meeting to be called for that purpose, to be specified in the notice of said meeting.

Astne.

§ 6. The board of managers may at any time appoint such subordinate officers, agents and committees as they may deem necessary, the more efficiently to carry out the objects of said corporation, and they may make and enforce such by-laws, rules and regulations as they may deem necessary for the election and government of officers and members of said corporation, and to govern the admission of applicants to the "Home of the Friendless;" also, for the government, discipline and disposal of those that may be received as inmates, and for the conducting and managing the general business of said corporation.

Guardianship.

§ 7. The board of managers of said corporation shall be the legal guardians of all children that by the provisions of this act shall be surrendered to the said corporation, and they may, in their discretion, indenture such children to an honorable trade or employment, but in all cases provision shall be made in the indenture by which such children are bound to service for securing an education proper and fitting for the condition and circumstances in life of such children.



§ 8. In case of the death or legal incapacity of a father, or in case of his abandoning or neglecting to provide for his children, the mother shall be considered their legal guardian for the purpose of making a surrender of them to the charge and custody of this corporation, and in all cases where the person or persons legally authorized to act as the guardian or guardians of any child are not known, the mayor of the city of Chicago may, in his discretion, surrender such child to said corporation. Surrender  
children. of

§ 9. In case it shall be shown to any judge of a court of record or to the mayor or to any justice of the peace within the city of Chicago that the father of any child is dead or has abandoned his family, or is imprisoned for crime, and the mother of such child is a habitual drunkard, or is imprisoned for crime, or is an inmate of a house of ill-fame; or if the mother of such child is dead, imprisoned for crime or has abandoned her family, and the father of such child is a habitual drunkard, and an unsuitable person to have the care of such child; or that the parents of any child have abandoned or neglected to provide for it, then such judge, mayor or justice may, if he thinks the welfare of the child requires it, surrender such child to said corporation.

§ 10. Whenever complaint shall be made to the judge of any court of record or to the mayor or to any justice of the peace of the city of Chicago that any girl under the age of fourteen years or any boy under the age of twelve years is abandoned by or is sustaining relations to its parents or guardians mentioned or contemplated in section nine of this act, it shall be the duty of such judge, mayor or justice to issue a warrant for the arrest of such child and its parents, (if any it may have in Chicago;) and if on testimony satisfactory to said judge, mayor or justice it shall appear that such child has no parents, or is abandoned by its parents or guardians, or is sustaining relations to its parent, parents or guardians contemplated in section nine of this act, the said judge, mayor or justice may, if he believes the best interests of such child require it, surrender such child to the care of said corporation. Complaint.

§ 11. Hon. Mark Skinner shall be the first president; David J. Lake, the vice-president; E. H. Dickinson, the first secretary; I. H. Burch, the first treasurer; and Mrs. Martha A. Wilson, Adaline Judd, Julia Dole, Julia A. Warner, Anna M. Gibbs, Margaretta Varien, Jane C. Hoge, Margaret M. Gillman, Lavinia Morris, Emily S. Roy, Adaline C. Morgan, Marion Exceen, Minerva Botsford, Emma T. Haines, Harriet Brown, shall constitute the first board of managers, by virtue of this act, and shall hold their offices until the first Monday in January, 1860, and until their successors are elected. Officers.

§ 12. This act shall take effect and be in force from and after its passage, and may be repealed or amended at any time.

APPROVED February 12, 1859.



In force February 18, 1859. AN ACT to amend an act entitled "An act to incorporate Woodland Home for Orphans and Friendless," approved February 14, 1855.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That to enable said corporation the better to effectuate the objects and purposes of its creation it shall have the absolute care, custody and control of all such children as may be surrendered to it as hereinafter provided.

Custody of the children.

Surrender of children.

§ 2. In case of the death or incapacity of the father or his abandoning or neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making a surrender of them to the charge and custody of the said corporation; and in all cases where it is not known that there is any person within this state, legally authorized to act in the premises, the mayor of the city of Quincy shall *ex officio* be the legal guardian for the like purpose, and whether said surrender be made by the father or mother or by the mayor of said city, it shall be deemed a legal surrender for the purposes and within the true intent and meaning of this act.

Children may be bound out.

§ 3. Whenever a child shall be surrendered to the charge of said corporation, by an instrument in writing, signed by the parent or guardian of such child, or by the mayor of the said city of Quincy, in such manner and form as may be prescribed in and by the by-laws of said corporation, said corporation may, in its discretion, bind out such child to some suitable employment, in the same manner as poor and indigent children may now be bound out according to the laws of this state; but proper provision shall in every case be made and inserted in the indentures by which such child may be bound out, for securing to such child an education; and in the event that the father or mother or other relative of any such child so surrendered to said corporation, and thus bound out, shall, at any time thereafter, make demand upon said corporation or the person to whom such child shall have been bound for such child, and shall make it appear to the satisfaction of the said mayor of the said city that the said father, mother or other relative of such child is qualified and able in all respects to support and maintain and educate such child, said corporation or the said person to whom the said corporation may have bound such child shall immediately surrender and deliver up to the custody of said father, mother or other relative the said child thus demanded.

Demand by relatives.

Indentures.

§ 4. The indenture by which any such child may be bound out shall be executed in duplicate by such person for and on behalf and in the name of said corporation as may be designated and appointed by the by-laws of said corporation for that purpose on the one part and by the person receiving such child on the other part, before the clerk of the county court of Adams county, one copy of which said

indenture shall be filed and preserved by said clerk among the records of his office, and the other copy thereof shall be filed and preserved by said corporation.

APPROVED February 18, 1859.

AN ACT to incorporate the Chicago Board of Trade.

In force Feb'y  
18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the persons now composing the board of trade of the city of Chicago, are hereby created a body politic and corporate, under the name and style of the "Board of Trade of the City of Chicago;" and by that name may sue and be sued; implead and be impleaded; receive and hold property and effects, real and personal, by gift, devise or purchase; and dispose of the same by sale, lease or otherwise; said property so held not to exceed at any time the sum of two hundred thousand dollars; may have a common seal, and alter the same from time to time, and make such rules, regulations and by-laws from time to time, as they may think proper or necessary for the government of the corporation hereby created, not contrary to the laws of the land.

Body politic.

§ 2. That the rules, regulations and by-laws of the said existing board of trade shall be the rules and by-laws of the corporation hereby created, until the same shall be regularly repealed or altered; and that the present officers of said association, known as the "Board of Trade of the City of Chicago," shall be the officers of the corporation hereby created until their respective offices shall regularly expire or be vacated, or until the election of new officers, according to the provisions hereof.

By-laws.

§ 3. The officers shall consist of a president, one or more vice presidents and such other officers as may be determined upon by the rules, regulations or by-laws of said corporation; all of said officers shall respectively hold their offices for the length of time fixed upon by the rules and regulations of said corporation hereby created, and until their successors are elected and qualified.

Officers.

§ 4. The said corporation is hereby authorized to establish such rules, regulations and by-laws for the management of their business and the mode in which it shall be transacted, as they may think proper.

By-laws.

§ 5. The time and manner of holding elections and making appointments of such officers as are not elected, shall be established by the rules, regulations or by-laws of said corporation.

Elections.



- Admission and expulsion      § 6. Said corporation shall have the right to admit or expel such persons as they may see fit, in manner to be prescribed by the rules, regulations or by-laws thereof.
- Committees of reference and arbitration.      § 7. Said corporation may constitute and appoint committees of reference and arbitration, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in the rules, regulations or by-laws, for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of the association, or by other persons, not members thereof, the acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments, compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.
- Awards.      § 8. When any submission shall have been made in writing, and a final award shall have been rendered, and no appeal taken within the time fixed by the rules or by-laws, then on filing such award and submission with the clerk of the circuit court an execution may issue upon such award, as if it were a judgment rendered in the circuit court; and such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.
- Bonds.      § 9. It shall be lawful for said corporation, when they shall think proper, to receive and require of and from their officers, whether elected or appointed, good and sufficient bonds for the faithful discharge of their duties and trusts; and the president or secretary is hereby authorized to administer such oaths of office as may be prescribed by the by-laws or rules of said corporation; said bonds shall be made payable and conditioned, as prescribed by the rules or by-laws of said corporation, and may be sued and the moneys collected and held for the use of the party injured, or such other use as may be determined upon by said corporation.
- Inspectors.      § 10. Said corporation shall have the power to appoint one or more persons, as they may see fit, to examine, weigh, measure, gauge or inspect flour, grain, provisions, liquors, lumber or any other article of produce or traffic, commonly dealt in by the members of said corporation, and the certificate of such person or inspector as to the quality or quantity of any such article, or their brand or mark upon it, or upon any package containing such article shall be evidence between buyer and seller of the quantity, grade or quality of the same, and shall be binding upon the members of said corporation or others interested, and requiring or assenting to the employment of such weighers, measurers, guagers or inspectors; nothing herein contained, however, shall compel the employment by any one of any such appointee.



§ 11. Said corporation may inflict fines upon any of its members, and collect the same for breach of its rules, regulations or by-laws; but no fine shall exceed five dollars. Such fines may be collected by action of debt before a justice of the peace in the name of the corporation.

§ 12. Said corporation shall have no power or authority to do or carry on any business, excepting such as is usual in the management of boards of trade or chambers of commerce, or as provided for in the foregoing sections of this bill. Power limited.

APPROVED February 18, 1859.

AN ACT to legalize the erection of a bridge over Cache river.

In force Feb'y  
23, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the bridge erected at or near the mouth of Cache river, the dividing line between the counties of Alexander and Pulaski, and on section one, township seventeen north, of range one west, be legalized: *Provided*, the same shall not be any obstruction to the navigation of said river by flat boats and barges.

Bridge legal-  
ized.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 24, 1859.

AN ACT to authorize the Galena and Chicago Union Railroad Company to build a bridge. In force Feb'y  
18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Galena and Chicago Union Railroad Company, incorporated by this state, is hereby authorized and empowered to construct a railroad bridge across the Mississippi river, at or within one mile of the town of Fulton, in Whiteside county: *Provided*, the said bridge is so constructed as not materially to obstruct the navigation of said river. Proviso.

Bridge author-  
ized.

APPROVED February 18, 1859.

In force Feb'y AN ACT to amend an act, approved February 17, 1857, authorizing a company  
18, 1859. to build a bridge across the Illinois river at the city of Henry.

Preamble. Whereas an act approved February 17th, 1857, authorizing a company to build a bridge across the Illinois river at the city of Henry, did not provide the rates of toll to be charged by said bridge company; wherefore,

Rates of toll. SECTION 1. *Be it enacted by the People of the State of*  
Proviso. *Illinois, represented in the General Assembly,* That the rates of toll on said bridge shall be regulated by the directors of said company: *Provided,* that the tolls shall in no case exceed those now charged by the Peoria Bridge Company at Peoria.

Extension. § 2. The bridge company incorporated by the act aforesaid shall have the right to extend the bridge authorized to be built, as aforesaid, from the east bank of the Illinois river, at low water mark, or from such point as said company may select, on the nearest and most practicable route to the bluff, by trussel-work, piling, or by earth embankment: *Provided,*  
Proviso. that no additional tolls shall be charged for passing over that part of the bridge hereby authorized to be extended or passing over said extension until the bridge across the river shall be completed.

Right of way. § 3. That the company incorporated aforesaid shall have the same power to enter upon and condemn lands for the said bridge or road that the Peoria and Bureau Valley Railroad Company have, not to exceed one hundred and fifty feet in width.

§ 4. This act to be in force from and after its passage.  
APPROVED February 18, 1859.

In force Feb'y AN ACT to amend an act entitled "An act to incorporate the La Salle Bridge and  
24, 1859. Ferry Company, and to authorize the building of a bridge across the Illinois river, at La Salle, passed February 11, 1857.

Act amended. SECTION 1. *Be it enacted by the People of the state of*  
*Illinois, represented in the General Assembly,* That the fourteenth section of an act entitled "An act to incorporate the La Salle Bridge and Ferry Company, and to authorize the building of a bridge across the Illinois river at La Salle," passed February 11th, 1857, be so amended as to extend the time for the commencement of said bridge two years, and for the completion of the same four years from the passage of this act.

Ferry. § 2. Said bridge and ferry company are hereby authorized to run a ferry across the river at said La Salle, until the completion of said bridge as provided for in said act.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed. Acts repealed.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to authorize the persons herein named to build a bridge across Lusk creek, in Pope county, Illinois. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Philip Vineyard, Philip Field and John Field and their associates, heirs and assigns, be and they are hereby authorized to build a toll bridge across Lusk creek, at Golconda, in Pope county, at the mouth of said creek, or at any other place above the mouth which may be selected by the said Philip Vineyard, Philip Field and John Field as suitable for the construction of said bridge: Provided, the construction of said bridge shall be commenced within one year, and completed within three years from the passage of this act.*

Bridge authorized.

Proviso.

§ 2. The said Philip Vineyard, Philip Field and John Field, their associates, heirs and assigns are hereby authorized, after the completion of said bridge, to place a toll gate at either end of said bridge, and may demand toll of any and every person crossing said bridge as follows: For each head of hogs or sheep one cent; for each head of cattle three cents; for each one horse wagon or carriage five cents; for each two horse wagon, drawn by horses or oxen, ten cents; for each three horse wagon, drawn by horses or oxen, fifteen cents; for each four horse wagon, drawn by four animals, twenty cents; for each wagon, drawn by six animals, twenty-five cents; for each led horse, mule or ass three cents, for one horse and rider five cents, and every foot person three cents.

Toll gate.

Rates.

§ 3. That the said Philip Vineyard, Philip Field and John Field and their associates, heirs and assigns shall have the right to erect a suitable house at either end of said bridge for the convenience of a collector of tolls: *Provided, the same shall not interfere with the travel to and from said bridge.*

Toll house.

Proviso.

§ 4. The said persons above named, their associates, heirs and assigns, shall, at all times after the completion of said bridge, keep the same in good repair, and allow a speedy passage; and if any person in crossing said bridge shall sustain any injury or damage, either to himself or his property, in consequence of said bridge not being kept in good repair, the proprietor or proprietors thereof shall be responsible for the same in their private property.

Repair.



Speed of crossing. § 5. Any person or persons crossing said bridge with any beasts, carriages or other vehicle, in a faster gait than a walk, shall, for every such offence, be subject to a fine of five dollars, to be recovered before any justice of the peace, in an action of debt, by any person desirous of prosecuting the same: *Provided*, that notice of the same shall be put in large capitals at either end of the bridge.

Failure to unite. § 6. That if either Philip Field, John Field or Philip Vineyard shall fail to unite with his associates in this charter in preparing for the construction of said bridge within one year from the passage of this act, then all his rights shall pass to his associates, who shall begin the construction of said bridge.

§ 7. This act shall be in force from and after its passage.  
APPROVED February 19, 1859.

In force Feb'y 21, 1859. AN ACT to authorize the building [of] a bridge across the Illinois at Marseilles.

Body politic. [SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David Strawn, Daniel Ward, Isaac Gage, Abner Strawn and Alexander Bruce, or either of them and their or his associates, are hereby created a body politic and corporate, by the name and style of the "Marseilles Bridge Company," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all the courts in this state, contract and be contracted with, make all needful by-laws and rules for the government of said company, fix the amount of the capital stock thereof at any amount necessary to carry into effect the provisions of this act, provide for the management of the affairs of the company, and appoint all officers and agents deemed necessary for that purpose. The said company, after its organization, shall consist of all persons who shall become stockholders therein, and in managing all the affairs of said company each stockholder shall be entitled to one vote for each share of stock held by him.

Bridges authorized. [§ 2.] The said company, when organized, may construct and maintain a bridge over the Illinois river at Marseilles, in La Salle county, on the east half of section nineteen, in township thirty-three north, of range five east of 3d P. M.

Right of way. And for the purpose of erecting and maintaining such bridge and all such embankments, toll houses and dwelling houses for toll collectors and such other works as may be necessary for said bridge, the said company may use so much of the island on said section in said river and of the bed and shores of said river as may be necessary. The said company shall at all times after the completion of said bridge, keep the same in good repair and allow a speedy passage to

Repair.

all comers, with their animals and vehicles; and if at any time said bridge shall be out of repair, so that the same shall be impassable for the space of four months at any one time, the charter of the same shall be forfeited: *Provided*, that if said bridge shall be destroyed by fire or flood, said company shall be allowed time necessary to rebuild the same. The said company are hereby authorized, after the completion of said bridge, to place a toll gate at either end of said bridge, where they may charge and receive the following rates of toll for crossing said bridge, viz: For each vehicle drawn by two horses, mules, asses or oxen, twenty cents; for each additional horse, mule, ass or ox attached to said vehicle, five cents; for each one horse wagon, carriage or cart, ten cents; for each man and horse, five cents; for each hog or sheep, one cent; for each footman, three cents; *Provided*, that said company may double the above rates of toll after nine o'clock in the evening and before daylight in the morning. The said bridge company shall be deemed a public highway, within the meaning of the laws provided for the punishment of persons injuring, obstructing or destroying public highways or bridges in any manner. That said company may, if deemed necessary, mortgage the said bridge for such amount and upon such terms and in such manner as they may agree upon in their articles of association.

Proviso.

Toll.

Proviso.

[§ 3.] Every person crossing said bridge with any beast faster than upon a walk, shall forfeit five dollars to the proprietors of said bridge, to be recovered before any justice of the peace or other court having jurisdiction of the same. The said bridge company shall have the same power in relation to procuring materials for the construction of said bridge as has been heretofore conferred upon the Rock Island Railroad Company in relation to procuring materials for said road.

Speed in crossing.

[§ 4.] No other bridge shall be built across the said Illinois river within two miles of the above named bridge for the space of ten years: *Provided*, that said company shall comply with the provisions of this act in relation to the erection and keeping in repair of the bridge herein provided for.

Exclusive privilege.

[§ 5.] Said company shall commence the erection of said bridge within two years and complete the same within three years, or the rights conferred by this act shall be at an end.

Time.

[§ 5.] This act shall be taken and deemed as a public act in all courts of this state, and shall be in force from and after its passage.

APPROVED February 21, 1859.

In force February 22, 1859. AN ACT to authorize the building of a bridge across Mary's River, in Randolph county.

Body politic.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Hermon C. Cole, Judson Clement, Harvey Whitson and their associates, successors, heirs and assigns, be and they are hereby created a body corporate and politic by the name and style of "The Mary's River Bridge Company," and by that name shall have succession, and shall be capable of suing and being sued, pleading and being impleaded, prosecuting and defending in all courts whatever where legal proceedings are had; may make contracts and be contracted with, and make and use a common seal, and alter or renew the same at pleasure; may make by-laws for their government, not inconsistent with the constitution and laws of this state nor of the United States: and shall by their by-laws provide for the election of a president and board of directors. In all elections each stockholder shall be entitled to one vote for each share of stock held and owned by such stockholder.
Powers.	
Bridge authorized.	§ 2. The aforesaid corporators and their associates, successors, heirs and assigns, are hereby authorized and empowered to build a bridge across Mary's river, in Randolph county, either at Johnson's or McConnell's ford, as they may deem best, and maintain the same; to fix the amount of capital stock necessary to build the same, and the number of shares into which such capital stock shall be divided, and to provide for transferring the same and the payment thereof in such installments as they may deem necessary; to borrow money; to condemn property for the necessary uses and purposes of said company, in the manner provided for by the ninety-second chapter of the Revised Statutes of this state, entitled the "Right of Way," and the acts amendatory thereto, and to sell or lease said bridge, or the use of the same, or the franchises of said company, upon such terms and in such manner as a majority of the stockholders in interest may agree to, to any person, company or corporation.
Capital stock.	
Public highway.	§ 3. The said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges in any manner.
Rates of toll.	§ 4. Said company may charge such rates of toll for crossing said bridge as may be agreed upon between the president and directors of said company and the county court of Randolph county, such rates to be reasonable and right.
Time.	§ 5. This act shall be in force from and after its passage, and to continue in force for twenty years: <i>Provided</i> , that said company shall complete the building of said bridge within two years from the passage of this act: <i>And pro-</i>
Proviso.	



*vided, further, that if said bridge be not completed in that time by said company this act shall be null and void.*

APPROVED February 22, 1859.

AN ACT to amend an act entitled "An act to authorize Jonathan C. Willis to build a toll bridge across Mill creek, in Pope county." In force Feb'y 24, 1859.

Whereas Jonathan C. Willis has assigned his right to build said bridge to Philip Vineyard; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Philip Vineyard be and he is hereby allowed the further time of two years, from the passage of this act, for the construction and completion of the said toll bridge in said act mentioned; and all of the provisions of said act are hereby revived and shall continue in full force and effect for the said period of two years. Time extended.

§ 2. And the said Philip Vineyard is hereby authorized to enter upon and take possession of so much of the land on each side of said Mill creek, at and in the vicinity of the site of said toll bridge, as may be necessary for making and erecting said bridge and establishing a gate, toll house and other works necessary for said bridge; *Provided,* neither terminus of said toll bridge shall be established within less than thirty-yards from any dwelling house without the consent of the owner thereof and that the toll gate for such bridge shall be on the west bank of said creek. But before he takes possession of said land he shall pay to the owner or owners thereof a fair and reasonable compensation for the same; and in case of disagreement between the parties, as to the value of said land, the same may and shall be ascertained by three disinterested freeholders of the county, who shall be appointed or selected for that purpose by the parties; and in case the parties cannot agree upon such freeholders, then William Belford, Mason Bird and Thomas Travellion, are hereby authorized and empowered to view the premises and ascertain and fix the amount of such compensation. In case the owner or owners of such land shall fail or refuse to make to the said Philip Vineyard a deed or deeds of conveyance for the same, on tender being made by him of the said amount of compensation, then and in such case it shall be lawful for the said Philip Vineyard to file his petition in the circuit court of the said county of Pope, setting forth the facts in the case; which said petition shall be filed on the chancery side of said court, and the like proceedings shall be therein had as in other cases in chancery; and, upon final hearing, a commis-

Right of way.

sioner may be appointed by the court to make such deed or deeds, on proof being made of all the material facts set forth in such petition.

§ 3. And upon the said compensation being ascertained as aforesaid, and upon the tender of the same to the parties interested, then and in such case the said Philip Vineyard may take immediate possession of such land as aforesaid.

This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y  
16, 1859.

#### AN ACT to change the name of the Moline Bridge Company.

Name changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the Moline Bridge Company be and the same is hereby changed to the Moline and Rock River Bridge Company: and all notes, bonds, deeds or other contracts, of whatsoever nature, heretofore given, entered into or executed by or to the said company, or any officer or officers thereof, in his or their official capacity, by or in the name of the Moline and Rock River Bridge Company, are hereby declared as valid in the hands of the holders thereof or such contractors, respectively, and may be executed, sued upon, or otherwise enforced by or against the parties thereof, by and in the name of the Moline and Rock River Bridge Company, as they would or might have been if such had been the name of said company when such note, bond, deed or other contract was made, entered into or executed.

§ 2. This act shall be in force from and after its passage.

APPROVED February 16, 1859.

In force Feb'y  
24, 1859.

#### AN ACT to amend an act entitled "An act to authorize the building of a bridge across the Illinois river, at Peru," approved February 10, 1857.

Time extended

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for the completion of the erection of the bridge authorized by the act to which this act is an amendment, be extended to ten years from the passage of this act.

Floating  
bridge.

§ 2. The said bridge company, until the time the said bridge shall be erected, are hereby authorized and empowered to keep and maintain across said Illinois river, at Peru, a floating or boat bridge, and to charge the same tolls as are

provided for by the act to which this is an amendment: *Section repealed.*  
*Provided*, that said floating bridge shall not impair or obstruct the navigation of said Illinois river.

§ 3. Section number thirteen of the act to which this act is an amendment is hereby repealed.

§ 4. This act shall be in force from and after its passage.  
 APPROVED February 24, 1859.

AN ACT to incorporate the Pike and Scott County Bridge Company.

In force February 4, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That O. M. Hatch, James McWilliams, Robert S. Allen, George Wike, M. B. Churchill, George W. Shields, Royal Moores, O. F. Keener and Alexander Starne, their associates, successors, heirs and assigns be and the same are hereby created a body corporate, for the term of fifty years from and after the passage of this act, by the name of the "Pike and Scott County Bridge Company," with power to build, maintain and use, for railroad and other purposes, and as a public highway, a bridge across the Illinois river, at a point between the town of Naples and Phillips' Ferry, on said river, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect such bridge, by railroad or otherwise, with any railroad or other public road in the state of Illinois, terminating at the town of Naples, or at any point between said town of Naples and Phillips' Ferry; and to contract with any corporation in said state for the construction and maintenance of said bridge, and to establish rules and regulations for the government, management and use thereof; to unite and consolidate its franchises and property with any and all railroad companies in said state; to fix the amount of capital stock; to divide, transfer and increase the same; to borrow money and pledge or mortgage its property and franchises; to condemn, according to the provisions of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement, approved June 22nd, 1852," property, for the uses and purposes necessary in constructing and maintaining said bridge; to contract, bargain and agree with any such railroad companies for aid in the construction and maintenance of such bridge; and to sell or lease the same or the use thereof or the franchises of said company to any company or corporation: *Provided*, that said company shall commence said bridge within two years, and shall complete the same within ten years from the passage of this act.

Body corporate.

Bridge authorized.

Right of way.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 4, 1859.



in force Feb'y  
24, 1859.

AN ACT to incorporate the Alton Building and Savings Institution.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Washington T. Miller James A. Cooley, Jacob Haas, Bartholome Ruenzi, John Lock, C. K. Reigart, H. C. Sweetzer, C. Soule, Harvey Veech, E. Levis, John Challacombe, William A. Platt, William Hall, John E. Hayner, W. C. Johnson, Augustus L. Chouteau, G. T. Brown, James H. Lea, John H. Kuhn, and their associates, successors, heirs and assigns be and are hereby created a body corporate and politic, by the name of "Alton Building and Savings Institution;" that they and their successors shall have succession, and may sue and be sued, plead and be impleaded, defend and be defended against, in all courts and places whatsoever; with full power and authority, by that name, to contract and be contracted with; to acquire, hold, possess, use and enjoy, and the same to sell, convey and dispose of, all such real estate and personal property as is or may be necessary for the use of this corporation, or as may be deemed, by the directors, proper and necessary to carry on the business, and accomplish the object of the corporation or for the promotion of its interests; and may make, ordain and put into execution such by-laws, rules and regulations, not repugnant to the laws of the United States or this state, as shall be proper and necessary to carry into effect the provisions of this act and to attain and accomplish effectually the object of this corporation; and may have a common seal, and may alter or change the same at pleasure.

Body politic.

Capital stock.

§ 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each; and the persons named in the first section hereof, or any five of them, shall be commissioners to open books for subscription to said stock, in such manner and at such times and places as they may appoint, until one hundred shares shall have been subscribed for; and, soon after the said number of shares shall have been taken, the subscribers shall meet and choose five directors, the commissioners having [given] at least ten days' notice of the time and place of such meeting, in at least one daily newspaper published in the city of Alton; at which and at all other elections of directors the holders of said stock shall be entitled to cast one vote for each share.

Election of directors.

§ 3. After the first election there shall be held an election, in the city of Alton, on the first Tuesday in November, in each year, or on such other day as the said corporation may hereafter determine; at which there shall be chosen not more than three nor less than two directors, who shall hold their office until others shall have been chosen, as hereinafter prescribed, and shall have accepted the trust in their stead. In case of vacancy happening in said board, whether

[either] by removal from the state, ceasing to be a stockholder, dying or refusing to act, for the period of three months, successively, the directors, or a majority of them, present at any monthly meeting, shall choose another director, to fill such vacancy, who shall remain in office until the next general election; at which his successor shall be chosen. At the first regular meeting of the board, after the first election, the directors shall class themselves, by lot, into two classes, the term of whose services shall, respectively, expire as follows: The first class in one year, the second class in two years.

§ 4. The board of directors shall, as soon as may be after the first election, and thereafter, annually, at the first regular meeting of the board succeeding each election, choose out of their number one person to act as president, who shall preside at all meetings of the directory, sign all contracts made, and do and perform such other acts as may be prescribed by the by-laws of this corporation. The board of directors shall have power to appoint, from time to time, a secretary and treasurer, and such other officers and assistants as to them may seem necessary, and to prescribe their duties, fix their compensation, and take from them such security as they may deem necessary for the faithful performance of their duties; and they shall have power, if in their opinion, it shall be deemed proper and judicious, to prescribe the number of shares of said stock for which any one individual or firm shall be permitted to subscribe.

§ 5. After said capital stock shall have been subscribed for the said directors shall levy an assessment thereon, of not less than one per centum per month, nor more than two per centum per month, on each share of said stock, and the same shall be payable monthly, at such times and places as the board of directors shall designate, of which five days' notice shall be given in at least one daily newspaper published in the city of Alton; and if any stockholder shall neglect or refuse to pay such assessment, for the period of fifteen days after any assessment so made shall have become due and payable, the directors shall have full power and authority to declare the stock of such share holder forfeited, or they may, in their discretion, permit such assessment to be afterwards [paid] on such share or shares to be redeemed, on such terms as may be prescribed by the company's by-laws.

§ 6. As soon as may be after each monthly assessment shall have been paid into the treasury of the association the amount so paid, together with the amount remaining in the treasury, shall be loaned out to such of the stockholders as are or may become the highest and best bidders therefor; and it shall be lawful for this corporation, from time to time, to receive such premium or premiums as the stockholders may bid; and the amount so loaned to any one individual, at any one time, shall not, during the first five years of the

existence of this association, be in sums of less than one hundred dollars nor more than one thousand dollars; but after the lapse of that period it may be in such sums as the directors, in their discretion, may determine; and all loans, so made by the corporation, shall be secured by bonds and mortgages or deeds of trusts on unincumbered real estate of the value of at least thirty-three per cent. more than the amount loaned thereon; and the directors shall have power to prescribe such condition therein in reference to the erection of permanent buildings on the property so mortgaged as may to them seem judicious and proper; and the directors may, in their discretion, limit the number of loans to be made to any one member of the association and exclude the bids of such members as may have been assisted by loan while there are other members who have not been assisted by loan, to erect themselves comfortable dwellings, and who desire such assistance from this corporation.

Deposits.

§ 7. In addition to the powers heretofore granted in this act the said corporation shall have full power and authority to receive, on deposit, from said stockholders or from any other person, all sums of money that may be offered for that purpose, on such terms as are allowed by this act, or as may [be] prescribed by the by-laws of this corporation, for the purpose of being invested in any public stocks created under and by virtue of any law of the state of Illinois, or of the United States, or of being loaned out, on bond or mortgage, or on notes secured by deeds of trust, or on such personal security as the board of directors may deem amply sufficient; and such sums, so deposited, shall be repaid to each depositor, when required, at such times and with such interest and under such regulations as the board of directors shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of the corporation shall be transacted, and shall not be altered so as to affect any one who may have been a depositor previous to such alteration.

Exchange.

§ 8. The moneys deposited, as contemplated in the preceding section, may [be] invested in public stocks or loaned as stated, or used in the purchase and sale of exchange, in which this corporation is empowered to deal; but if loaned on real estate, all sums so loaned shall be secured by bonds and mortgages or deeds of trusts, on unincumbered real estate of the value of at least fifty per cent. more than the amount loaned thereon; and, if upon personal security, the sum so loaned shall not exceed five hundred dollars to any one person or business firm, nor be for a period of more than four months, and shall be secured by at least two good securities.

Compensation  
of officers.

§ 9. No director or other officer of said corporation shall, during his continuance in office, directly or indirectly, borrow or use any of the funds of said corporation, except to



pay the necessary current expenses thereof; nor shall any director of said corporation, directly or indirectly, receive any pay or emoluments for his services.

§ 10. All certificates or evidences of deposit, made by the proper officer, in pursuance of the by-laws of said corporation, shall be as effectual to bind the corporation as if they were under the common seal thereof; and no stockholder or depositor, not being in his individual capacity a party to any suit in which the said corporation may be a party, shall be deemed incompetent as a witness. Certificates of deposit.

§ 11. A misnomer of said corporation, in any deed, gift, grant, contract, conveyance or other instrument, shall vitiate or vacate the same, if the corporation shall be sufficiently described therein or referred to with sufficient distinctness to ascertain the intention of the parties. Misnomer.

§ 12. When any deposit shall be made by any person, being a minor, and not having a guardian, to the knowledge of any of the directors, the said corporation may, at their discretion, pay to such depositor such sum or sums as may be due to him, or her, not exceeding two hundred dollars, and the receipt or acquittance of such minor shall be as valid as if the same were executed by a person of full age or by a guardian of such minor. Minors.

§ 13. This act shall be deemed and taken to be a public act, and shall be liberally construed to effect the ends and purposes hereby intended and contemplated. Public act.

§ 14. All the stockholders of the company incorporated under this act shall be severally individually liable to the depositors with and creditors of the company, to an amount equal to the amount of stock held by them, respectively, for all deposits made with and debts and contracts made by the company; and such personal liability shall continue for the time of two years from the sale or transfer of such stock by any stockholder; but no stockholder shall be personally liable for the payment of any deposits made with or debts contracted by the company formed under this act, unless a suit for the collection of such deposit or debt shall be brought against the company within one year from the time the same may be due or become due; and no suit shall be brought against any stockholder, who shall cease to be a stockholder in the company, for any deposit or debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied, in whole or in part. Liability of Stockholders.

This act shall take effect from and after its passage.

APPROVED February 24, 1859

In force February 11, 1859. AN ACT to amend the charter of the "Elsa Building and Manufacturing Company."

Incorporation  
legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Elsa Building and Manufacturing Company, located at Jersey Landing, Illinois, incorporated on the 28th day of January, 1857, according to the provisions of "An act to authorize the formation of corporations for manufacturing, agricultural, mining or mechanical purposes," approved February 10th, 1849, be and the same is hereby declared to have been legally constituted, within the provisions of said act, and shall be a body corporate and politic, by the name aforesaid, from the said 28th day of January, 1857, the day of their incorporation, in perpetuity, according to the provisions of said act.

Contracts  
galized. le-

§ 2. All bonds, deeds and contracts heretofore made to or by said company shall be binding and effectual in law and equity.

APPROVED February 11, 1859.

In force February 24, 1859. AN ACT to amend an act entitled "An act to incorporate the Carlinville Cemetery Association," approved February 18, 1853.

Notice.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* When said association shall have selected any parcel of ground, for the purposes in said act named, and the owner or owners of the same shall refuse, on request, to sell the ground, the said corporators, or any three of them, may give personal notice to the owner or owners, if residents of the county, at least three days beforehand, and, if nonresidents of the county, shall give notice, by publication in some newspaper published in Carlinville, giving two insertions, that on a day in said notice to be mentioned, they will apply to the county judge of Macoupin county or some justice of the peace, naming him, to appoint three disinterested and discreet freeholders, who shall be voters and citizens of the county, to value and appraise the parcel of ground described at the time, at its true and reasonable cash value.

Appraisers.

§ 2. At the time and place in said notice mentioned the said county judge or justice of the peace, on application as aforesaid, shall proceed to name, and shall cause to appear before him, three persons of such qualifications as are described in the preceding section, and shall also administer to them an oath that they will go upon the ground described in said application, and that, upon view, they will faithfully and impartially value and appraise said ground, at its true

and reasonable cash value. Said appraisers shall then make out a written report, under their hands and seals, in which they shall set forth and describe the ground as in said application set forth and described, together with their appraisement of the same, which report they shall deliver to the county judge or justice of the peace by whom they were appointed. Report.

§ 3. If the said association shall pay to the owner or owners of said ground, or if they be nonresidents, as aforesaid, or shall refuse to receive the same, shall pay the same to the county treasurer of Macoupin county, for his or their benefit, and shall pay the costs of the proceeding, then the county judge or justice of the peace aforesaid shall indorse his certificate on the report of the appraisers aforesaid, to the effect that they were summoned and sworn by him, according to the provisions of this act, and that the report so certified by him is the original and genuine report made and signed by them. Certificate.

§ 4. The report aforesaid, when so certified, shall be delivered to the recorder of deeds of the county, who shall file and record the same in the record of deeds. And from and after the time of filing the same for record the fee simple of said ground shall be vested in the said cemetery association and their successors and assigns forever. Report when recorded to vest title.

§ 5. If it shall become necessary the like proceedings as are given hereinbefore may be had to secure the right of way to said cemetery and with like effect. Right of way.

§ 6. The said association shall set apart and hold sacred for that purpose a portion of the ground within their boundaries sufficient to bury the poor and strangers. Burial ground for poor and strangers.

§ 7. This act and the one to which it is an amendment, shall be taken and deemed acts for the public benefit. Proviso.

§ 8. *Provided*, That in making said selection the ground so selected shall adjoin and connect with the burial ground now used by the citizens and inhabitants of the town of Carlinville, and being the same as donated by Ezekiel Good, for that purpose.

§ 9. This act to be in force from and after its passage.

APPROVED February 24, 1859.

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AN ACT to incorporate the Rosehill Cemetery Company.

In force February 11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William B. Ogden, Charles G. Hammond, John H. Kinzie, Hiram A. Tucker, Levi D. Boone, Benjamin W. Raymond, Charles V. Dyer, James H. Rees, John Evans, Jonathan Burr, Levi



Body politic.

B. Taft, E. K. Rogers, Robert H. Morford, Andrew T. Sherman, William Turner, George Schneider, C. H. Deihl, Andrew Nelson, James V. Z. Blaney, Henry Smith, Philo Judson, E. L. Janson, Francis H. Benson, and such others as they may hereafter associate with themselves, be and they are hereby created a body politic and corporate, in fact and in name, by the style and title of the "Rosehill Cemetery Company;" and by that name shall have perpetual succession, and be capable of suing and of being sued, of contracting and being contracted with, of pleading and of being impleaded, in any court of law and equity in the state of Illinois, and they and their successors may have a common seal, and make and alter the same at pleasure, and do such other things as are incident to a corporation and not inconsistent with the constitution of the state of Illinois.

Boards of consultation and managers.

§ 2. The eighteen persons first named shall constitute the first "Board of Consultation," and the five persons last named shall be the first "Board of Managers" of the said Rosehill Cemetery Company, and shall have power to receive subscriptions for the purchase of property and the laying out and ornamenting of grounds for cemetery purposes, as contemplated by this act, and may issue certificates, representing the interests of subscribers in the property held by the company and in the proceeds of the sale of burial lots; and the individual interests represented by such certificates shall be assignable and transferable only in such way as the managers for the time being may from time to time direct; and such individual interests are hereby declared to be personal estate; and the said managers shall have authority to call in and demand from the subscribers, respectively, such sums of money by them subscribed at such times and in such payments or installments, as they shall deem proper, and to compel the payment of installments so demanded, by forfeiture of the interest of any subscriber refusing to pay such installments so demanded, or by the sale by them of such part of his interest as may be necessary to pay such installments; and it shall be lawful for the said managers to receive, at their option, such real estate or personal property, at an equitable valuation, in payment of subscriptions, as they may deem available for the purposes of the company; and no subscriber shall be liable for the debts of the company in a greater amount than the interest actually owned by him at any time.

Powers.

§ 3. The said managers of the said company and their successors shall have power and authority, in the name of the said company, to obtain possession of real estate, by purchase, exchange or otherwise, for cemetery purposes, in the township of Lake View, county of Cook, and state of Illinois; to hold the same to an amount at no time exceeding five hundred (500) acres, and to sell, exchange or dispose of any part or parcel of land that they may be compelled to

purchase, in order to obtain such grounds as may not be actually needed for burial purposes.

§ 4. The said managers and their successors shall have authority to lay out and ornament, for cemetery purposes, such grounds as they may acquire as aforesaid; to make and have recorded in the recorder's office of Cook county a plat of such grounds and of such additions thereunto as they may make at any time; and the filing of such a plat for record shall operate as a legal vacation of any former plat or sub-division of the same, and of any roads, streets, or alleys, passing through the same; also, to erect such buildings, tombs, inclosures or other structures, as they may deem advisable; to arrange and dispose of burial lots, on such terms and with such conditions, for the permanent care and preservation of the cemetery or any part thereof, as they may agree upon with purchasers, to make such by-laws and regulations, relative to the election and duties of managers and their successors, the appointment of officers and agents and their several duties and compensations; and to make such rules and regulations, from time to time, for the government of lot holders and visitors to the cemetery as they may deem necessary.

Power to lay out and ornament cemetery.

§ 5. All lots sold for burial purposes by said cemetery company, when conveyed by the corporation to individual proprietors, shall be indivisible, but may be held and owned in undivided shares, and shall be free from taxation and from execution and attachment: *Provided*, that no one person shall hold at any one time more than four lots so exempted; and all estate, real or personal, held by the company, actually used by the corporation for burial purposes, or for the general uses of lot holders or subservient to burial uses and which shall have been platted and recorded as cemetery grounds, shall be likewise exempt as above.

Exemption from taxes.

§ 6. Every lot sold by the cemetery company for burial purposes, shall be held by the proprietors for the purpose of sepulture only, and shall be transferable only by the consent of the managers; and no lot holder shall permit interment in or upon any lot held by him for a consideration.

Transfer.

§ 7. The said corporation may take and hold any grant, donation or bequest of property, real or personal, upon trust, to apply the same or the income thereof, under the direction of the board of managers, for the improvement or embellishment of the said cemetery or for the erection, repair, preservation or renewal of any tomb, monument or grave stone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot, or for improving the said premises, in any other manner or form, consistent with the design and purposes of this act, according to the terms of such grant, donation or bequest.

Donations.

§ 8. If any person shall clandestinely open any tomb or grave in the inclosure of the Rosehill Cemetery Company,

Penalties for opening of graves or injuring cemetery.

and shall remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, in any court of competent jurisdiction, shall be sentenced to undergo an imprisonment in the state prison, at hard labor, for a term of not less than six months or more than one year, or pay a fine of not less than one hundred or more than five hundred dollars, or both, in the discretion of the court having the jurisdiction thereof; and any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure, placed within the inclosure of said cemetery company, or any fence, railing or other work, erected for the protection or ornament of said cemetery, or any tomb, monument, gravestone or other structure placed therein, as aforesaid, or shall willfully destroy, cut, break, injure or remove any tree, shrub, plant, or any part thereof, within the limits of said cemetery or shall shoot or discharge any gun or other fire arms, or any fire works or other missile, capable of doing any injury to any structure or plant, as aforesaid, within the limits of said cemetery aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace, be punished by a fine of not less than five nor more than one hundred dollars, or, upon conviction thereof before any other court of competent jurisdiction, shall be punished by a fine as aforesaid or by imprisonment for a term not exceeding one year, or both, at the discretion of the court having jurisdiction thereof, according to the nature and aggravation of the offence; and such offender shall also be liable in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of said company, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board of managers thereof, to the reparation and restoration of the property destroyed or injured as above; and members of the said corporation shall be competent witnesses on such suits; and, to enable the said corporation to enforce the provisions of this section, power and authority are hereby given to the superintendent and gate keeper of the said corporation, for the time being, respectively, to arrest, without process, any person or persons who, to their knowledge, may have committed any offence against the provisions of this section, and shall carry such offender or offenders before a justice of the peace for trial or examination.

Roads and streets.

Proviso.

§ 9. No roads or streets or other thoroughfare shall be laid out through any property selected and held by said cemetery company for burial purposes, without consent of the managers of the company; nor shall any of the lands so selected and held be condemned for right of way by any other corporation for any purpose whatever: *Provided*, that this sec-



tion shall only apply to such lands as shall have been platted and recorded, as provided for in section four (4,) of this act.

§ 10. This act shall take effect from and after its passage.

APPROVED February 11, 1859.

AN ACT to authorize the Trustees of the 1st Baptist Church in Ottawa, LaSalle County, to sell and convey certain real estate. In force February 4, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The trustees of the 1st Baptist Church, in the city of Ottawa, are hereby authorized to sell and convey so much of the lot belonging to said society, in said city, upon which their church building stands, as may not be needed for the actual occupancy of said church: *Provided*, that such sale shall not be made until the same shall have been authorized, and the manner of the sale provided for and the price fixed by a vote of said church, at a regular meeting thereof.

Authority to sell and convey real estate.

Proviso.

§ 2. When any portion of said lot shall have been sold, as aforesaid, the trustees of said church shall convey the same to the purchaser or purchasers thereof; and such conveyance, when executed, shall vest the title of the portion of the lot so sold in the purchaser or purchasers thereof; and the avails of said sale shall be applied to the erection of a new church building for said church.

Title.

§ 3. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 4, 1859.

AN ACT to legalize the acts of the Board of Trustees of the First Baptist Church of Toulon. In force Feb. 21, 1859.

Whereas on the fourth day of December, A. D. 1852, at a meeting of the members of the First Baptist Church, in the town of Toulon, in Stark county, Illinois, Wheeler B. Sweet, John Culbertson, Henry F. Ives, William Ogle and Oliver Whitaker were elected trustees of said First Baptist Church; and whereas, also, the certificate of said election, recorded in the recorder's office of said county, is informal and insufficient; and whereas the board of trustees, so elected, have transacted business pertaining to the property of said First Baptist Church of Toulon as a body corporate; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts, proceedings and doings of the said board of trustees of the First Baptist Church of Toulon and of their successors, within the proper scope of their duties and authority, be held and taken as valid and effective, in law and equity, as if said

Acts legalized.

First Baptist Church of Toulon had become legally incorporated under the laws of this state, by the filing of a proper certificate, as required by section 45, division III, of chapter XXV, of the Revised Statutes of 1845: *Provided*, that said society shall, within sixty days after the passage of this act, elect a board of trustees, and file with the recorder of Stark county the certificate required by said chapter of the Revised Statutes.

§ 2. This act to be a public act, and to take effect from and after its passage.

APPROVED February 12, 1859.

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In force February 24, 1859. AN ACT authorizing the Trustees of the Christian Society of Ridgely to sell real estate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the trustees of the Ridgely Christian Society, in Madison county, are hereby authorized to sell the real estate of the aforesaid Ridgely society, and apply the funds for the erection of a church for said christian society, in the town of Litchfield, Montgomery county.

Authorized to  
sell real es-  
tate.

§ 2. This act to take effect from and after its passage.

APPROVED February 24, 1859.

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In force February 24, 1859. AN ACT legalizing the conveyance of land to the parish of Manhattan.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the parish of Manhattan, in the county of Will, a religious society, organized under and by the general laws of this state, is hereby authorized and empowered to receive and hold, for the purposes and uses of its church, the tract of land of twenty-five acres heretofore conveyed to or for the use and benefit of said parish or church, and to sell and convey the whole or any part thereof whenever said parish shall wish so to do. This act to take effect and be in force from and after its passage.

Conveyance le-  
galized.

APPROVED February 24, 1859.

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In force February 19, 1859. AN ACT to amend city charter of Abingdon, Knox county.

#### ARTICLE 1ST.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the word "southeast," occurring in section second, of article first, of an act entitled "An act to incorporate the city of Abingdon, in

Section amend-  
ed.

Knox county," approved Feb. 13th, 1857, be and the same is hereby amended so as to read "southwest."

§ 2. All the acts and doings of the city council and all officers provided for in said act are hereby legalized and rendered of full force and virtue, the same as if said error had not been committed. Acts legalized.

§ 3. There shall be elected, at each annual election, to be held on the third Monday in April, for said city, one mayor, one alderman for each ward, one marshal, one assessor and collector, one treasurer and one street commissioner, who shall hold their offices for one year, and until their successors are elected and qualified. Officers.

§ 4. The act entitled "An act for the better government of towns and cities and to amend the charters thereof," approved Feb. 27th, 1857, shall be constituted a part of this act, the same as if specially recited, and there shall be allowed to said city of Abingdon only one police magistrate, and that their [his] jurisdiction shall extend to all causes of action at common law or by statute, where the plaintiff's demand shall not exceed one hundred dollars, and to all cases of misdemeanor, committed within the city limits of said city, where indictment is not necessary to a conviction. Act extended.

§ 5. The city marshal shall have the powers and authority of a constable, at common law, and under the statutes of the state, and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the city council, payable to said city as in other cases. Power of marshal.

§ 6. The city council shall have power to establish a workhouse or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such workhouse or house of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officers, and all persons sentenced by any criminal court or magistrate's court in and for the city, for any assault, assault and battery, petty larceny or other misdemeanor, or breach of any ordinance of the city, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or cost imposed by any ordinance of the city for any misdemeanor or breach of any ordinance of the city may, instead of being committed to the county jail of Knox county, be kept therein, subject to labor and confinement. City work-house.

§ 7. All fines or forfeitures collected for offences committed within the city limits shall be paid into the city treasury. Fines and forfeitures.

§ 8. That section second of article ninth shall be and is hereby so amended as not to require labor on the streets, lanes, avenues or alleys of disable-bodied men, men over the age of fifty years or such others as are exempt by law. Section amended.



Ordinances.

§ 9. The city council shall have power, by ordinance, to regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the cost of proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

Judicial powers.

§ 10. All judicial powers conferred on the mayor of the city of Abingdon by the act of incorporation of said city and all provisions in said act to which this is an amendment that are in conflict or inconsistent with the provisions of this act are hereby repealed.

§ 11. This act is hereby declared a public act and to take effect from and after its passage.

APPROVED February 19, 1859.

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In force January 18, 1859.

AN ACT to amend the thirteenth section of an act entitled "An act to incorporate the city of Alton," approved July 21st, 1837.

Section amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the thirteenth section of said act be so amended as to read "and estimate and assess the damages which would be sustained by reason of the opening, extending, widening and grading of any street, lane or alley; which damages they shall then apportion and assess upon any and all the real estate in said city which they may believe will be benefited by the opening, extending, widening or grading any street, lane or alley in the said city."

§ 2. This act to be in force from and after its passage.

APPROVED January 18, 1859.

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In force February 16, 1859.

AN ACT to reduce the laws incorporating the City of Alton and the several acts amendatory thereof into one act, and to amend the same.

### CHAPTER I.—*Boundaries and General Powers.*

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants residing within the following limits and boundaries, to-wit: Beginning at the northeast corner of section twelve, in township five north, in range ten west of the third principal meridian, in the county of Madison, and state of Illinois, and running thence west on the north boundary lines of sections 12, 11 and 10, to the middle of the Mississippi river; thence down along the middle of the said river to a point due south of the southeast corner of

fractional section thirteen, in township number five north; thence due north to the northeast corner of the aforesaid fractional section thirteen; and thence north on the east boundary lines of the aforesaid fractional section thirteen and section twelve to the place of beginning, shall be incorporated and known as a corporation by the name of the "City of Alton."

§ 2. The inhabitants of said city shall be a corporation by the name of the city of Alton, and by that name shall have perpetual succession, sue and be sued, complain and defend in any court; make and use a common seal, and alter it at pleasure; and take, hold, receive or purchase, lease and convey such real and personal or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid; may borrow money and pledge the revenue and faith of the corporation, and issue scrip or bonds for the payment of the same. Corporation.

§ 3. The territory contained within the boundary of said city of Alton shall be divided into four wards, the boundaries to be as now established by ordinance: *Provided*, that the common council of said city shall have power from time to time to cause a division of said city to be made into as many wards as they may deem necessary and for the good of the inhabitants of said city; but no such division shall be made unless it be done at least three months preceding the city election next ensuing. Wards.

## CHAPTER II.—*Officers—Their Election and Appointment.*

§ 1. The municipal government of the city shall consist of a common council, to be composed of the mayor and three aldermen from each ward. The other officers of the corporation shall be as follows: a city clerk, marshal, register, treasurer, an assessor and collector, a harbor master, attorney, engineer, physician, street inspector, three inspectors of election in each ward, a chief and assistant engineer of the fire department; and as many fire wardens, police constables, watchmen, deputy marshals, supervisors, measurers, weighers, gaugers, sextons or keepers of burial grounds, keeper of work house, keeper of public buildings, and such other officers and agents as the common council may from time to time direct and appoint, and to prescribe their duties, term of service and compensation. Offices.

§ 2. At the annual charter election to be held on the first Tuesday in April, A. D. 1859, there shall be elected by the qualified voters of said city, a mayor, city treasurer, and register; and the person having the highest number of votes in the whole city for either of such offices shall be declared elected; at the same time the electors in their respective wards shall vote for three aldermen, who shall be *bona fide* residents thereof, and hold their offices for three years Election.

from and after their election, and until the election and qualification of their successors; they shall be divided into three classes, consisting of one alderman from each ward, so that one from each ward shall be annually elected thereafter. At the first meeting of the common council, after the annual election in April next, the aldermen shall be divided into three classes by lot, the terms of office of those of the first class shall expire in one year, those of the second class in two years, and those of the third class in three years: *Provided*, that there shall be elected annually after the election in April, 1859, one alderman in each of the wards of the city to represent such ward in the common council. If any alderman remove from the ward represented by him, his office shall thereafter become vacant.

Term of office.

§ 3. The officers elected by the people under this act, except aldermen, shall respectively hold their offices for one year, and until the election and qualification of their successors. All other officers mentioned or provided for in this act, or by ordinance of said city, and not otherwise specially provided for, shall be appointed by the common council, by ballot, on the third Tuesday in April, in each year, or as soon thereafter as may be, and respectively continue in office one year, and until the appointment and qualification of their successors; the council may authorize the appointment of watchmen, by the mayor or marshal, to continue in office during the pleasure of the council: *Provided*, that the mayor or marshal remove them for good and sufficient cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Proviso.

Appointment.

§ 4. If from any cause the officers herein named shall not be appointed on the third Tuesday in April, the common council may adjourn from time to time until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the common council may forthwith order a new election for such officers.

New election.

Removal.

§ 5. Every person elected to any office by the people may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected, but no such officer shall be removed except for cause, nor unless first furnished with charges, and heard in his defence; and the common council shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purposes of such trial; and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the common council may declare the office vacant: *Provided*, that any officer appointed by the common council may be removed at any time, by a vote of two-thirds of all the aldermen authorized to be elected; but any

Proviso.



officer may be suspended by a vote of the common council, or by the mayor, when the common council is not in session, until the disposition of the charges when preferred.

§ 6. When any vacancy shall occur, by the death, resignation, removal, or otherwise, of any officer elected by the people, such vacancy shall be filled by a new election, and the common council shall order such new election within ten days after the vacancy may occur; any vacancy occurring as aforesaid, of any officer appointed by the common council, may be filled by appointment of the council. No special election shall be held to fill vacancies (except mayor and aldermen) if more than nine months of the term has expired, but the council may fill such office by appointment, as in other cases, in their discretion. Vacancies.  
Special elections.

§ 7. When two or more candidates for an elective office shall have an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, as may be provided by ordinance. Tie.

### CHAPTER III.—*Elections.*

§ 1. A general election for all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held in each of the wards of said city, on the first Tuesday of April in each year, or at such other time as the common council may provide by ordinance, at such places as the common council may appoint, and of which six days previous public notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the corporation newspaper of the city, by the city clerk. Time of election.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll lists, canvassing of the votes and certifying the returns shall be the same, as nearly as may be, as is now or may hereafter be provided by law, at general state elections: *Provided*, the common council shall have power to regulate elections, and the appointment of the judges thereof. The voting shall be by ballot, and the judges of elections shall take the same oath and shall have the same powers and authority, as the judges of general elections. After the closing of the polls the ballots shall be counted, in the manner provided by law, and the returns shall be returned sealed to the city clerk, within one day after the election; and thereupon the common council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment; and unless such persons shall qualify within Manner of elections.  
Proviso.

Proviso.

twenty days thereafter, the office shall become vacant: *Provided*, said polls shall be kept open one day, from eight o'clock A. M. until seven o'clock P. M., of said day.

Qualification of voters.

§ 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections and has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote for ten days previous to such election, and if required by any judge, or qualified voter, shall take the following oath, before he is permitted to vote: "I swear (or affirm) that I am of the age of 21 years, that I am a citizen of the United States (or was a resident of this state at the time of the adoption of the constitution) and have been a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past, a resident of this ward, and have not voted at this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Place.

§ 4. No election shall be held in any grog-shop or other place where intoxicating or malt liquors are vended by retail; nor shall any such place be kept open for the sale or giving away of such liquors on the day of any civil election in said city.

Illegal voting.

§ 5. All persons illegally voting, or offering to vote, at any election held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

#### CHAPTER IV.—*Powers and Duties of Officers.*

Oath.

§ 1. Every person chosen or appointed to an executive, judicial, or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Oath of mayor.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear (or affirm) "That he will devote so much of his time to the duties of his office as an efficient and faithful discharge may require." He shall preside over the meetings of the common council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within the city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state, or the ordinances of the city, and in case of riot, to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

Aid to enforce laws.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.

Exhibit.

§ 5. He shall be liable to indictment in any court of record in Madison county, for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office; and upon conviction shall be subject to a fine not exceeding one hundred dollars, and the court shall have power, upon the recommendation of the jury, to add as part of the judgment, that he be removed from office. He shall receive such salary as may be fixed by ordinance.

Indictment.

§ 6. All ordinances shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof he shall sign the same, and such as he shall not approve, he shall return to the common council, at its next meeting thereafter, with his objections thereto. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of all the members elected to the common council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall *ex officio* have power to administer any oath required to be taken by this act or any law of the state; to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law.

Veto.

§ 7. In case of a vacancy in the office of mayor or his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the common council shall appoint one of its members by ballot to preside over their meetings, whose official designation shall be "acting mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy shall be filled by a new election.

Vacancy of mayor.



Fire Wardens. § 8. The members of the common council shall be *ex officio* fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and road labor or the payment of road taxes during their term of office.

Clerk. § 9. The clerk shall keep the corporate seal, and all books and papers belonging to the city. He shall attend all meetings of the common council and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office and transcripts from the journals of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; he shall likewise draw all warrants on the treasury as prescribed by ordinance, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an accurate account of all receipts and expenditures in such manner as the common council shall direct, and he shall have power to administer any oath required to be taken under this act.

City attorney. § 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the common council or its committees: *Provided, however*, that the offices of city clerk and city attorney may be vested in the same person.

Treasurer. § 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the common council by a treasury warrant, signed by the clerk, under the city seal. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the common council, at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury and the state of each special fund therein, which account shall be filed in the office of the clerk.

Marshal. § 12. The city marshal and deputy marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, the collection of money for fines or otherwise. They shall possess the same powers and perform the same duties, within the limits of the city of Alton, as the constables in the different counties possess, and may serve any process issuing under and by virtue of this act or the ordinances or by-laws of said city at any place within the county of Madison.

Engineer. § 13. The city engineer shall have the sole power, under the direction and control of the common council, to survey within the city limits, and he shall be governed by such rules and ordinances and receive such fees and emoluments

for his services as are allowed by law to county surveyors, or such as the common council shall direct and prescribe. He shall possess the same powers in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof and contract for the execution of the same. He shall perform all surveying and engineering ordered by the common council, and shall under their direction establish grades and the boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries shall be first reported to the common council and approved by them or they shall not be valid.

§ 14. The assessor and collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the common council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the common council. He shall collect all taxes and assessments which may be levied by the common council, and perform such other duties as may be herein prescribed or ordained by the common council: *Provided*, that the common council shall have power to appoint an assistant assessor.

Assessor and collector.

Provis.

§ 15. The street inspector may be required to superintend all local improvements in the city, and shall carry into effect all orders of the common council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of side-walks; to give notice to owners of property adjoining such side-walks, when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk to be laid before the common council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts and sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, of all moneys received and all disbursements thereof, specifying to whom made and on what account, and he shall render monthly accounts thereof to the common council, and shall be *ex officio* a deputy marshal.

Street inspector.

Harbor master      § 16. The harbor master shall have power to enforce all ordinances and provisions of this act in relation to the wharf or public landing, and shall be *ex officio* a deputy marshal. He shall pay over to the treasurer, as fast as it is received, all moneys received by him for wharfage or otherwise, and make monthly reports to the common council.

Corporation newspaper.      § 17. The common council at their meeting on the third Tuesday of April in each year, or as soon thereafter as may be, shall designate one public newspaper, printed in said city, to be styled the "Corporation Newspaper," in which shall be published all ordinances, and other proceedings and matters required in any case by this act, or by the by-laws and ordinances of the common council, to be published in a public newspaper.

Register office.      § 18. There shall be established in said city, a register office, with a common seal, to be provided by the common council, in which all deeds and other instruments in writing, conveying, or relating to lands lying in said city, as well as mortgages upon personal property therein, shall be recorded, and it shall be the duty of the register of said city, to record all such deeds, mortgages, and other instruments in writing, aforesaid, in proper and well bound books, to be provided by the common council for that purpose, and all such deeds, mortgages, chattel mortgages and other instruments of writing, so recorded in the register's office, shall have the same force and effect as if the same had been filed and recorded in the recorder's office for Madison county; and the said register shall be entitled to receive the same fees as are allowed to recorders of deeds in this state, and who shall perform all the duties within said city, and be subject to the same liabilities as are required of county recorders in this state.

Records.      § 19. The common council are hereby authorized, to cause to be copied from the recorder's office of Madison county, all the deeds, mortgages and other instruments in writing recorded in said county of Madison, concerning or affecting any real estate, situate in said city of Alton; and said common council may employ the register of the city of Alton, or some other competent person, to copy said deeds, mortgages, or other writings, into well bound books, to be provided for that purpose; and the person so appointed, shall have access to the books of record of Madison county, for the purpose of making the copy aforesaid, free of charge.

Affidavit.      § 20. When the deeds, mortgages, and other writings, aforesaid, shall be copied, the recorder of Madison county, shall assist in comparing said copies with the record thereof, and after the correction of all errors, if any, the person so employed, and the recorder of Madison county, shall make and sign an affidavit, certifying that said copy has been truly and correctly made from the records of said office, which



certificate shall be made upon the book in which the deeds are copied as aforesaid.

§ 21. Copies made from the books in which the deeds shall be copied, as aforesaid, certified by the register of the city of Alton, may be used in evidence, *prima facie*, of the existence and contents of the original deeds, and of the time of the original recording of the same.

Certified  
copies.

§ 22. The recorder of Madison county shall be allowed five cents for his services and use of his office, for each deed or mortgage or other writing copied under the provision of this act, which shall be paid by the city of Alton.

Recorder's fees

§ 23. The plats of lands lying within the city limits of the city of Alton, which may hereafter be subdivided into lots, shall be recorded in the office of the register of the city of Alton, instead of the recorder of Madison county, and such recording in the city of Alton of plats already made, or to be made, shall have the same effect as if the same were recorded in the office of the recorder of Madison county.

Where plats  
shall be re-  
corded.

§ 24. The register of said city shall keep his office within the boundaries thereof, in a safe and convenient place, to be provided by the common council, and from and after this act shall take effect the said register's office shall be and remain, to all intents and purposes, the place in which to record deeds, mortgages and other instruments in writing, relating to real estate and personal property, within the limits of said city, and all copies of such deeds, mortgages, chattel mortgages and other instruments in writing, from the records of said office, duly certified, under the seal of said office, shall have the same force and effect as certified copies made by other recorders.

Register's  
office.

§ 25. The common council shall have power, from time to time, to require further and other duties, of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers, elected or appointed, to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation; they may, also, require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Alton, in such sum, and with such securities as they may approve, conditioned, that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys and other property received by them, which bond, with the approval of the common council certified thereon, by the clerk, shall be filed in his office.

Power of com-  
mon council

§ 26. If any person having been an officer of said city, shall not within ten days, after notification and request, deliver to his successor in office, all the property, books, papers, and effects of every description in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, beside

Delivery to  
successors

all damages caused by his neglect or refusal so to deliver, and such successor may recover possession of the books, papers and effects belonging to his office, in manner prescribed by the laws of the state.

Commissions.

§ 27. All officers elected or appointed under this act, shall be commissioned by warrant under the corporate seal and signed by the clerk.

Suits.

§ 28. All suits or actions for the recovery of any fine, penalty or forfeiture, arising under this act or the ordinances of the city, where the amount sued for, or in controversy, does not exceed one hundred dollars, may be brought before any police magistrate of the city, or before any justice of the peace in the city, designated by the common council: *Provided*, that police magistrates and police constables when elected under any law of this state, and all justices of the peace, designated by the common council, or called upon to act under any ordinance of the city shall, in addition to the bond now required by the laws of this state, enter into bond to the city of Alton, in such sum as the common council may direct, binding them to make their reports and pay over to the treasurer all moneys which may come into their hands belonging to the city, and to obey and conform to such police regulations as may be established by the common council.

Costs.

§ 29. In all prosecutions or suits brought by the city of Alton for the violation of any ordinance, by-law or police regulation, the said city shall be exempt from all costs or court fees, to the same extent as the state, by the laws thereof, is, in criminal prosecutions; but all officers acting under the ordinances of said city, may receive such compensation, in lieu of costs, as may be provided by ordinance.

#### CHAPTER V.—*Of the Common Council—its General Powers and Duties.*

Common council.

§ 1. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such times and places as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the common council, and shall have a casting vote in all cases except in elections. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum.

Qualification and compensation.

§ 2. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or be directly or indirectly interested in any contract, the expense or consideration whereof are to be paid under any ordinance of the common council. They shall receive such compensation as may be provided by ordinance.

§ 3. The common council shall hold stated meetings, Meetings. and the mayor or any two aldermen may call special meetings, by notice to each of the members of said council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the common council, in writing only, and the council shall determine the rules of its own proceedings, and be the judge of the elections and qualifications of its own members, and have power to compel the attendance of absent members, and punish them for disorderly conduct, and with the concurrence of two-thirds of the members elected, may expel a member.

§ 4. The common council shall have the management Finances. and control of the finances, and all other property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance—

§ 5. To remove and prevent all obstructions in the Mississippi river, within said city, and to widen, straighten or deepen the same; to improve and preserve the navigation thereof, and to erect, repair and regulate wharves and docks, and to regulate the rates of wharfage within the limits of the city. River.

§ 6. To borrow money on the credit of the city, and Borrow money issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law. All bonds shall specify for what purpose they were issued, and shall not be invalid if sold for less than their par value.

§ 7. To appropriate money and to provide for the payments of the debts and expenses of the city. Debts and expenses.

§ 8. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof. Contagious diseases.

§ 9. To make regulations to secure the general health Health. and comfort of the inhabitants; to prevent, abate and remove nuisances and punish the authors thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

§ 10. To provide the city with water; to make, regulate Water. and establish public wells, pumps and cisterns and hydrants and reservoirs in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants and to prevent the unnecessary waste of water.

§ 11. To have the exclusive control and power over the Streets, &c streets, alleys, landings and public grounds and highways of the city; and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, regrade, clean or other-



wise improve the same; to put drains and sewers therein and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Bridges, sewers  
&c.

§ 12. To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, side-walks and cross-ways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereon; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the fitting up, altering or changing the channels thereof by private persons.

Lighting.

§ 13. To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof; and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys, side-walks and elsewhere.

Markets

§ 14. To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof and their erection and location, and to authorize their erection on the streets and avenues or public grounds of the city, and the continuation of such as are already erected on the same.

Cemeteries

§ 15. To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental or shade trees in the streets or public grounds.

Hospitals.

§ 16. To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Side-walks.

§ 17. To prevent the incumbering of the streets, alleys, side-walks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or materials whatever; to compel all persons to keep snow, ice, dirt and other rubbish from the side-walks and street gutters in front of the premises occupied by them.

Licenses.

§ 18. To license, tax and regulate merchants, commission merchants, inn keepers, brokers, money brokers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn brokers and keepers of ordinaries, theatrical or other exhibition, shows and amusements.

§ 19. To license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, stages and public houses.

Ferries.

§ 20. To have exclusive power to license ferries and regulate the same, and the landings thereof, within the limits of the city.

§ 21. To license, tax, regulate and suppress billiard-Gaming  
tables, pin-alleys and ball-alleys; to suppress and restrain  
disorderly houses, tipping shops and groceries, bawdy  
houses, gambling and gambling houses, lotteries and all  
fraudulent devices and practices, and all playing of cards,  
dice, dominoes and other games of chance, with or without  
betting, and to authorize the seizure and destruction of all  
instruments and devices used for the purpose of gaming.

§ 22. To authorize the proper officer of the city to grant License  
and issue licenses, and to direct the manner of issuing and  
registering thereof, and the fees and charges to be paid  
therefor. No license shall be granted for more than one  
year, and not less than five dollars nor more than five hun-  
dred dollars shall be charged for any license under this act;  
and the fees for issuing the same shall not exceed one dol-  
lar; but no license for the sale of wines or other liquors,  
ardent, vinous, fermented or malt, at wholesale or retail, by  
grocery keepers, inn keepers or others, shall be issued for  
less than fifty dollars.

§ 23. To restrain, regulate, and prohibit the selling or Liquors  
giving away of any intoxicating or malt liquors, by any  
person within the city, except by persons duly licensed.  
To forbid and punish the selling or giving away of any  
intoxicating or malt liquors to any minor, apprentice, servant,  
or habitual drunkard, without the consent of the parent,  
guardian, master or mistress.

§ 24. To prevent, restrain and punish engrossing, fore- Inspection.  
stalling and regrating. To regulate the inspection and  
vending of fresh meats, poultry and vegetables; of butter,  
lard and other provisions; and the place and manner of  
selling fish, and inspecting the same.

§ 25. To regulate, license and prohibit butchers; and to Butchers.  
revoke their license for malconduct in the course of trade.

§ 26. To establish standard weights and measures, and Weights and  
regulate the weights and measures to be used within the measures.  
city, in all cases not otherwise provided by law. To require  
all traders or dealers in merchandise or property of any  
description, which is sold by measure or weight, to cause  
their measures or weights to be tested and sealed by the  
city sealer, and be subject to his inspection. The standard  
of such weights and measures shall be conformable to those  
established by law.

§ 27. To regulate and provide for the inspecting and Inspection.  
measuring of lumber, shingles, timbers, posts, staves, head-  
ing, and all kinds of building materials; and for measuring  
all kinds of mechanical work; and to appoint one or more  
inspectors or measurers therefor.

§ 28. Exclusively to provide for the inspection and  
weighing of hay, lime, stone coal, and the place and manner  
of selling the same. To regulate the measurement of fire  
wood, charcoal and other fuel, to be sold or used within the  
city, and the place and manner of selling the same.

§ 29. To regulate the inspection of beef, pork, flour, meal, salt and other provisions; whisky, and other liquors, to be sold in barrels; hogsheads, and other vessels or packages. To appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of this state, except at the request of the owner thereof, or his agent.

Bread. § 30. To regulate the weight and quality of bread to be sold or used within the city.

Brick § 31. To regulate the size and quality of bricks sold or used within the city, and the inspection thereof.

Police. § 32. To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Riots. § 33. To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

Riding and driving. § 34. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses, or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Vagrants. § 35. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Stock. § 36. To establish and regulate public pounds, and to regulate the running at large of horses, mules, cattle and sheep; to regulate, restrain and prohibit the running at large of swine, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and the penalty incurred; and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

Dogs. § 37. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Sports. § 38. To prohibit and restrain the rolling of hoops, flying of kites, or any other amusement or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices tending to the collecting of persons on the streets and side-walks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Nuisances. § 39. To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.



§ 40. To do all acts and to make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

§ 41. To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, slaughter house, distillery, breweries, sewer, privy, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

§ 42. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on. Breweries, tanneries, &c.

§ 43. To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and impose penalties on physicians, sextons and others for any default in the premises. Burial.

§ 44. To provide for taking an enumeration of the inhabitants of the city. Census.

§ 45. To erect and establish a work house or house of correction; make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto, by the proper officer, and all persons sentenced by any criminal court or magistrate in and for the city, for any assault and battery, petit larceny or other misdemeanor, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to jail, be kept therein, subject to labor and confinement. Work house.

§ 46. To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, all children who are destitute of proper parental care and left to wander about, and growing up in mendicancy, ignorance, idleness and vice. Destitute children.

§ 47. To fill up, cleanse, drain, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their construction and cause the expenses thereof to be assessed and collected in the same manner as side-walk assessments. Privies

Railroad tracks § 48. To direct and control the laying and constructing of railroad tracks, bridges, turn outs and switches, in the streets and alleys, and the location of depot grounds within the city. To require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons. To require railroad companies to keep in repair the streets or alleys through which their track may run, and if ordered by the common council to light the same; and to construct and keep in repair suitable crossings at the intersection of streets and alleys and ditches, sewers and culverts, when the common council shall deem necessary. To direct the use and regulate the speed of locomotive engines within the inhabited portions of the city. To prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Ordinances. § 49. The common council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the city prison or work house or both, in the discretion of the court or magistrate, before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars nor the imprisonment six months for any offence; and such fine or penalty may be recovered with costs in an action of debt, in the name of and for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same with costs; and in default thereof, may be imprisoned in the city prison or work house, or be required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

## CHAPTER VI—*Of Taxation.*

General tax. § 1. The common council shall have power within the city, by ordinance—First, to levy and collect annually taxes not exceeding five mills to the dollar, on the assessed value of all real and personal estate, and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, in lieu of

a county tax, to defray the general and contingent expenses of the city, not herein otherwise provided for, which taxes shall constitute the general fund.

§ 2. To annually levy and collect a school tax, not exceeding two and one-half mills on the dollar, on the assessed value of all the real estate in said city, to be expended in purchasing grounds for school houses, and building, furnishing and repairing the same; also to levy and collect a tax, not exceeding three mills on the dollar, on all personal property within the city, to be expended in paying teachers for said school. All money collected by taxation for school purposes, together with any other school funds belonging to said city, shall be kept distinct from all other funds in the city treasury, and to be used for no other purpose whatever. School tax.

§ 3. To levy and collect, annually, as other taxes are collected, a special tax not exceeding five mills on the dollar, on all real and personal estate in said city, subject to taxation, to meet the interest accruing on the bonded debt of said city, or on bonds falling due within the fiscal year next ensuing: *Provided*, that the common council of said city shall, annually, by ordinance or resolution, after the assessment for the current year shall have been made and returned to the common council, determine what amount will be required for such purpose, and proceed to levy such per cent. as may be sufficient to raise the required sum, not exceeding the per cent. authorized by this section. Special tax.  
Proviso.

§ 4. To annually levy and collect taxes on all property subject to taxation, when required for the erection of markets, hospital or work-house; the purchase of market grounds, public squares, landings, or for any other public improvements: *Provided*, the estimated cost of a work-house or market-house may be apportioned by the common council, and collected by a series of annual assessments. But no tax or taxes shall be levied in any one year under this section, which shall exceed five mills on the dollar, on the property assessed, for any or all the purposes herein specified. The revenue arising from such markets, landing or other improvements, shall be applied to the liquidating the costs thereof, and taxes shall be levied and collected to make up the deficiency.

§ 5. The common council shall keep all county and state roads and bridges, within the city, in good repair, and for that purpose shall require, (and it is hereby made the duty of) every male resident of the city, over the age of twenty-one years, and under the age of fifty years, to labor three days in each year upon the roads or streets of the city; but any person may, at his option, pay, in lieu thereof, two dollars: *Provided*, the same shall be paid within ten days after notification, as provided by this act, or as provided by ordinance; in default of payment as aforesaid, the sum of three dollars, and costs, may be collected, and no set off shall be allowed in any suit brought to collect the same. Roads and bridges.



## CHAPTER VII—*Assessments for Opening Streets, Alleys and Public Landings.*

Laying out  
streets, &c.

§ 1. The common council shall have power to lay out public squares or grounds, public landings, streets, alleys, lanes and highways: and alter, widen, contract, straighten, extend and discontinue the same; and shall cause all streets, alleys, lanes, highways, landings, or public squares or grounds, laid out, or proposed to be laid out, to be surveyed, described and recorded in a book, to be kept by the clerk, showing particularly the proposed improvements, and the real estate required to be taken: and the same when opened and made, shall be public highways.

Commissioners.

§ 2. Whenever any street, alley, lane, highway, landing, or public square or ground is laid out, altered, widened, contracted, straightened or extended, by virtue hereof, and the amount of compensation cannot be agreed upon, the common council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner or owners thereof, by publishing a notice for ten days in the corporation newspaper; at the expiration of which time, they shall choose, by ballot, three disinterested freeholders, residing in said city, as commissioners to ascertain and assess the damages, and recompense, due the owners of such lands, respectively; and at the same time to determine what persons will be benefitted by such improvements: and assess the damages and expenses thereof on the real estate of persons who are benefitted, in proportion as nearly as may be, to the benefits accruing to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to the choice of such commissioners.

Commissioners.

§ 3. The commissioners shall be sworn faithfully to execute their duties according to the best of their ability. Before entering upon their duties, they shall give notice to the persons interested of the time and place of their meeting for the purpose of viewing the premises, and making their assessment, at least five days before the time of such meeting, by publishing the same in the corporation newspaper, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings.

§ 4. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him, to remove.

Notice

§ 5. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be

given, by publication for ten days in the corporation newspaper; and such notice shall be signed by the commissioners, and specify the building and the award of the commissioners. It shall also require parties interested to appear by a day to be named therein, or give notice of their intention to the common council either to accept the award, and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove; if the owner shall agree to remove the building, he shall have such time for that purpose as the common council may allow.

§ 6. If the owner refuse to take the building at the value, to remove, or fail to give notice of his intention as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building, at public auction, for cash, giving five days' notice of the sale; the proceeds of such sale shall be paid to the owner, or deposited to his use.

Sale of building.

§ 7. The commissioners shall thereupon proceed to make their assessments, and determine and appraise to the owner or owners, the value of the real estate appropriated for the improvement, and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners shall respectively derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the building, (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

Assessment of damages.

§ 8. If the damages to any person be greater than the benefits received, or the benefit is greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall in any case be collectable of them or paid to them.

Damages and benefits.

§ 9. If the lands and buildings belong to different persons or if the land be subject to lease or mortgage the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

Lands leased or mortgaged.

§ 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with costs of the proceedings, upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall de-

Returns.

scribe the real estate upon which their assessments may be made; when completed, the commissioners shall sign and return the same to the common council within forty days of their appointment.

Notice.

§ 11. The clerk shall give ten days' notice, in the corporation newspaper, that such assessment has been returned, and on a day, to be specified therein, will be confirmed by the common council, unless objections to the same be made by some person interested. Objections may be heard before the common council, and the hearing may be adjourned from day to day. The common council shall have power, in their discretion, to confirm or annul the assessment or refer the same back to the commissioners. If annulled all the proceedings shall be void; if confirmed an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners they shall proceed to make their assessment in like manner and give like notices as herein required in relation to the first; and all parties in interest shall have the like notices and rights, and the common council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

Removal of  
commission-  
ers.

§ 12. The common council shall have power to remove commissioners and from time to time appoint others in the place of such as may be removed, refuse, neglect or be unable, from any cause, to serve.

Consent.

§ 13. Nothing herein contained shall authorize the common council to discontinue or contract any street or highway or any part thereof, without consent, in writing, of all persons owning land adjoining said street or highway.

Compensation.

§ 14. The land required to be taken for the making, opening, widening or extending any street, lane, alley or other highway, public ground or square shall not be appropriated until the damages awarded therefor to any owners thereof, under this act, shall be paid or tendered to such owner or his agent, or in case the owner or his agent cannot be found in said city deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purposes required in making such improvements, and such street, lane, alley, highway, public ground or square may be opened.

Contracts.

§ 15. Where the whole of any lot or parcel of land or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively, cease and be absolutely discharged.



§ 16. Where part only of any lot or parcel of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements and engagements respecting the same, upon the confirmation of such report, shall be absolutely void as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable, in any respect, of the same.

§ 17. Any person interested may appeal from any final order of the common council for opening, widening and extending any street, alley, public ground or highway to any court of record in Madison county, by notice, in writing, to the mayor or clerk, at any time before the expiration of twenty days after the passage of such final order. In case of appeal the common council shall make return, within thirty days after notice thereof, and the court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings; from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony, addressed to the court, and the burden of proof shall in all cases be upon the city to show that the proceedings are in conformity with this act.

§ 18. The common council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate by reason of the condemnation of any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefitted by the improvement, and in all such other respects as experience may suggest.

§ 19. In all cases where there is no agreement to the contrary the owner or landlord and not the occupant or tenant shall be deemed the person who ought to bear and pay every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid, by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for any one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant or other person respecting the payment of such assessment.

Landing.      § 20. Whenever the common council deem it necessary or expedient to widen, enlarge or extend the public landing, and any persons, owners or claiming to own any ground, right or privilege which may be by the council deemed necessary for the enlargement or extension of the public landing or wharf they may proceed to condemn the same, for public use, in the same manner as is provided by this act for opening, widening and extending streets and public landings or as may be provided by ordinance for such purposes.

CHAPTER VIII.—*Public Improvements and Assessments therefor.*

Grading.      § 1. The common council shall have power, by ordinance, from time to time, to cause any street, alley or highway to be graded, regraded, leveled, paved, repaved, macadamized or planked, and to keep the same in repair.

Walks and sewers.      *Second.*—To cause cross and sidewalks, main drains and sewers, gutters, private drains and aqueducts to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Public squares.      *Third.*—To grade, improve, protect and ornament any public square or landing, now or hereafter laid out.

Expenses.      § 2. The expenses of any improvement mentioned in the foregoing section, except alleys, sidewalks and private drains, shall be assessed upon the real estate in any portion of the city benefitted thereby, with the costs of the proceedings therein, in proportion as nearly as may be, to the benefits resulting thereto or as may be prescribed by ordinance: *Provided*, that the expense of grading or leveling all streets shall be paid from the general fund, and that no assessment shall exceed three per cent. per annum on the property assessed: *And provided further*, that any person required to make any improvement or repair, under this act, by special assessment, shall have the right to do so at his own costs and charge, under the direction of the common council, and thereby exempt his property from taxation for the making of such improvement.

Commissioners      § 3. The amount to be assessed for any such improvement, except side-walks, alleys and private drains, shall be determined by the common council; and they shall, by ballot, appoint, by a majority of all the aldermen authorized to be elected, three reputable freeholders of the city, to make such assessment. The commissioners shall be sworn faithfully and impartially to execute their duty to the best of their ability.

Notice.      § 4. Before entering on their duties the commissioners shall give six days' notice, in the corporation newspaper, of the time and place of meeting, to all persons interested, and they may, if necessary, adjourn from day to day. The com-

missioners shall assess the amount directed by the common council to be assessed on the real estate by them deemed benefitted by any such improvement, in proportion to the benefit resulting thereto, as nearly as may be, and briefly describe in the assessment list to be made by them the real estate in respect to which any assessment is made and the value thereof.

§ 5. If the commissioners shall be of opinion that any owner of land, situate upon any street, alley or other highway, graded or leveled, under this section, will sustain damages over and above the benefits which may accrue to the owner of such land by the improvement, they may assess such an amount as they may deem a reasonable recompense to such owner, upon the real estate benefitted, in the manner aforesaid, and such sum shall be added to their assessment at the time of filing the list. Damages and benefits.

§ 6. When the commissioners shall have completed their assessment and made a corrected copy thereof they shall deliver the same to the city clerk, within twenty days after their appointment, signed by all the commissioners. The clerk shall thereupon cause a notice to be published in the corporation newspaper, for six days, to all persons interested, of the completion of the assessment and the filing of the list. The time and place shall be designated therein for hearing objections thereto. Report.

§ 7. Any person interested may appeal to the common council for the correction of the assessment. Appeals shall be in writing and filed in the clerk's office, within ten days after the first publication of said notice. The council may adjourn such hearing, from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment and confirm or annul the same and direct a new assessment to be made, in the manner hereinbefore directed, by the same commissioners or by three others, which shall be final and conclusive on all parties interested, if confirmed. When confirmed the assessment shall be collected, as in other cases; and no appeal or writ of error shall lie, in any case, from such order and determination. If any assessment be set aside by order of any court, the common council may cause a new one to be made, in like manner, for the same purpose, for the collection of the amount so assessed. Appeal.

§ 8. If any vacancy happen in the office of commissioners, at any time, by reason of removal, failure or refusal or inability, from sickness or other cause, to serve, the common council may fill such vacancy. Vacancy.

§ 9. If the first assessment prove insufficient another may be made in the same manner; or if too large a sum shall at any time be raised the excess shall be refunded, ratably, to those by whom it was paid. Insufficiency or excess of assessment.



owners and occupants.

§ 10. All owners or occupants in front of or upon whose premises the common council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalks or private drains, at their own cost and charges, in the manner and within the time prescribed by ordinance or otherwise; and if not done in the manner and within the time prescribed the council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, by an order, to be entered in their proceedings, upon such lots, respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses as for money paid and laid out to his use at his request.

removing nuisances.

§ 11. In all cases where expenses may be incurred in the removal of any nuisance the common council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the foregoing section. Such expenses shall be likewise collectable of the owner or occupant of such premises in suit for money expended to his or their use. In case the same should not be chargeable to any real estate suit may in like manner be brought for such expenses against the author of such nuisance, when known; or any person whose duty it may be to remove or abate the same.

compensation.

§ 12. Commissioners appointed under this act may be sworn into office by the city clerk; they shall be allowed such compensation for actual service as the common council may direct, which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed a part of the expenses of the improvement and included therein. The city attorney shall prepare such papers and make such examinations as they may request.

infants.

§ 13. When any known owner, residing in said city or elsewhere, shall be an infant and any proceedings shall be had under this act the judge of the circuit court of Madison county, the county judge or any judge of the supreme court or any other court of record in said county, may, on the application of the common council or such infant or his next friend appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summons required by this act shall be served on such guardian.

owners of lots.

§ 14. The common council shall have power to compel the owners of lots of ground fronting or adjoining any private or public alley to keep the same clean, and, if necessary, to direct the same to be graded, paved, planked, macadamized or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

§ 15. The corporate authorities of the city of Alton be and they are hereby authorized to issue bonds of the city of Alton, pledging for the security of the payment of the same the revenue which may be derived from the public landing of the city of Alton, under the ordinances which may be passed by said city: *Provided*, the amount of said bonds shall at no time exceed, in the aggregate, the sum of fifty thousand dollars, nor bear a greater rate of interest than eight per cent. per annum.

§ 16. The common council of the city of Alton may and they are hereby authorized to issue the bonds of the city of Alton, in any sum not exceeding one hundred thousand dollars, for the purpose of improving streets, roads and bridges within the corporate limits of said city: *Provided*, said bonds shall not bear a greater rate of interest than eight per cent., nor be issued, except in payment for work done, labor expended or material furnished under a contract with the city of Alton.

#### CHAPTER IX.—*Collection of Taxes and Assessments.*

§ 1. The common council shall have power, by ordinance, to prescribe the form of assessment lists and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

§ 2. The annual assessment lists shall be returned by the assessors on or before the first day of May in each year, but the time may be changed by order of the common council. On the return thereof the common council shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The common council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessors, with instructions to revise and correct the same.

§ 3. When the assessment lists shall have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof shall be entered by the clerk. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purpose for which the same are levied, and,

if not for general purposes, the division of the city upon which the same are laid.

Lien.

§ 4. All taxes and assessments, general or special, levied or assessed by the common council under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall have been confirmed, and on personal estate from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon such real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

Proviso.

Tax warrants.

§ 5. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or real estate subject thereto; each column shall be headed with the name of the tax therein set down.

Warrants to be signed and sealed.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be respectively issued. They shall be delivered to the collector of the city for collection, at such times as may be provided by ordinance. If not otherwise paid, the collector shall have power to collect said taxes, with interest and cost, by suit, in the corporate name or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same. The assessor's lists shall in all cases be evidence on the part of the corporation: *Provided*, a notice, published by the collector for ten days, in the corporation paper, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal.

Proviso.

Collection.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same authority as are given by law to collectors of county and state taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the common council shall have power to prescribe the powers, duties and liabilities of collectors by ordinance.

Non-payment.

§ 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may



be sold for the payment thereof at any time within two years after the confirmation of the assessment by the common council. Before any such sale an order shall be made by the common council, which shall be entered at large in the records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made; a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale may be made.

§ 9. The collector shall then advertise such premises in the corporation newspaper, for sale, for the period of thirty days from and after the first publication of such notice, describing the same by figures or otherwise, with the name of the owner, when known, and the several amounts of the taxes or assessments thereon and costs; said notice shall also contain the time and place of sale, and shall be published at least three times. The proceedings may be stopped at any time, on the payment of the taxes or assessments and interest, with expense of advertising. Advertisement

§ 10. All sales shall be conducted in the manner required by law, but the common council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk; which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be entitled to the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times. Manner of sales

§ 11. The right of redemption, in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors or assigns to the same extent as is allowed by law in cases of sales of real estate for taxes, on payment, in specie, of double the amount for which the same was sold, and all taxes, accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert* or lunatic be sold under this act the same may be redeemed at any time within one year after such disability is removed. In case of redemption the money may be paid to the purchaser, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor; if not redeemed according to law the city clerk shall, upon Redemption.

the return of the certificate or proof of its loss, execute a deed to the purchaser, under the corporate seal, conveying to such purchaser the premises so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book wherein tax sales are recorded. A fee of fifty cents may be charged for any deed so executed by the city clerk.

Assignment.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of said city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser:

Purchase  
city. by

§ 13. If at any sale of real or personal estate, on assessments, no bid shall be made for any parcel of land or any goods and chattels the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales and shall have power to sell and convey the same as other real estate.

Deeds.

§ 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

*First.*—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale and had been listed and assessed in the time and manner required by law:

*Second.*—That the taxes and assessments were not paid at any time before the sale:

*Third.*—That the land conveyed had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the following facts:

*First.*—That the land or lot was advertised for sale in the manner and for the length of time required by law or ordinance.

*Second.*—That the land was sold for taxes or assessments, as stated in the deed.

*Third.*—That the grantee in the deed was the purchaser.

*Fourth.*—That the sale was conducted in the manner required by law or ordinance. And in all controversies and suits, involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the land had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made

for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

### CHAPTER X—*Fire Department.*

§ 1. The common council, for the purpose of guarding Powers of the against the calamities of fire, shall prohibit the erection, council. placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages: to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

§ 2. The common council shall have power—

*First.*—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire places, stove pipes, Chimneys and flues. ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

*Second.*—To prevent the deposit of ashes in unsafe places. Ashes. and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

*Third.*—To require the inhabitants to provide as many fire Fire buckets. buckets, and in such manner and time as they shall prescribe; and to regulate the use thereof in times of fire; and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

*Fourth.*—To regulate and prevent the carrying on of ma- Manufactories nufactories and works dangerous in promoting or causing fires.



- Fire works. *Fifth.*—To regulate, prevent and prohibit the use of fire works and fire arms.
- Gunpowder. *Sixth.*—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous materials within the city: to regulate the keeping and conveying the same, and the use of candles and other lights in stables and other like houses.
- Walls and fences. *Seventh.*—To regulate and prescribe the manner and order the building of parapet and partition walls and partition fences.
- Scuttles. *Eighth.*—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same.
- Police powers. *Ninth.*—To authorize the mayor, fire wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat and in preventing goods from being stolen.
- Regulations. *Tenth.*—And, generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.
- Engines. § 3. The common council may procure fire engines and all other apparatus used for the extinguishment of fires and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—
- Fire companies. *First.*—To organize fire, hook, hose, axe and ladder companies.
- Second.*—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.
- Third.*—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.
- Chief and assistant engineers. *Fourth.*—The common council shall have power to appoint a chief and assistant engineer of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the common council.
- Exemption. § 4. The firemen shall, during their service as such, be exempt from the working on streets or roads or paying any tax in lieu thereof. The name of each fireman shall be registered with the city clerk, and the evidence to entitle

him to exemption provided in this section shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed.

## CHAPTER XI—*Board of Health.*

§ 1. The board of health shall consist of three or more commissioners, to be appointed annually by the common council, from their own body or otherwise; and the mayor or presiding officer of the common council shall be president of said board; and the city clerk shall be clerk thereof, and keep minutes of its proceedings; and the city physician, street inspector, harbor master and city marshal shall be health officers. Board of health.

§ 2. It shall be the duty of the health officers to visit every sick person, who may be reported to the board of health, as hereinafter provided, and report, with all convenient speed, their opinion of the sickness of such person, to the clerk of said board of health; and to visit and inspect, at the request of the president of said board, all boats or water crafts, coming or lying and being within the limits of the city, which are suspected of having on board any pestilential or infectious disease; and all stores and buildings which are suspected to contain unsound provisions or damaged hides or other articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board of health. Duty of health officers.

§ 3. All persons in said city, not residents thereof, who shall be infected with any pestilential or infectious disease, and all things, which in the opinion of said board, shall be infected by or tainted with pestilential matter and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the city bounds, to be provided by the board, at the expense of the person who may be removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may judge it to be necessary for the health of the city, by making just compensation therefor. Contagious diseases.

§ 4. In case any boat or any other water craft shall be within the jurisdiction of the city and the said board of health shall believe that such boat or water craft is dangerous to the inhabitants of said city, in consequence of her bringing and spreading any pestilential or infectious disease among said inhabitants or have just cause to suspect or believe that if said boat or water craft is suffered to remain within the harbor or jurisdiction aforesaid it will be the cause of spreading among the said inhabitants any pestilential or infectious disease, it shall and may be lawful for the said board, by an order, in writing, signed by the president for the time being, to order such boat or water craft to be Quarantine.

forthwith removed to any distance, not exceeding five miles, beyond the bounds of said city. After the delivery of such order to the captain, owner or other person in charge of said boat or water craft, to quarantine, under such regulations and for such time as the council or board of health may prescribe, and if the master or other person in charge thereof, to whom such order shall be delivered, shall neglect or refuse to comply therewith, or if after such removal such master or any person in charge thereof shall neglect or refuse to obey the regulations which may be prescribed the president may enforce such removal or other regulations in such manner as the council may, by ordinance, direct; and such master, owner or person having charge thereof shall be considered guilty of a misdemeanor, and, on conviction, shall be fined in a sum not exceeding one hundred dollars and imprisoned, not exceeding six months, in the city jail or in the city work house or house of correction, by any court having cognizance thereof. The said fine shall be paid into the treasury.

Powers of the  
health officers.

§ 5. The health officers may be authorized by the common council, when the public interest requires, to exercise, for the time being, such of the powers and perform such of the duties of marshal, street inspector and constable as the common council may, in their discretion direct, and shall be authorized to enter all houses and other places, private or public, any boats or other water crafts, at all times, in the discharge of their duties under this act.

Duties of board  
of health.

§ 6. The common council shall have power to prescribe the duties of the board of health, and to punish, by fine or imprisonment, or both, any neglect or refusal to observe the orders and regulations of the board.

Physicians.

§ 7. Every person practicing physic in the city, who shall have a patient laboring under any malignant or yellow fever or other infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of said board; and for neglecting so to do shall be considered guilty of a misdemeanor and be liable to a fine of fifty dollars, to be sued for and be recovered, in any action of debt, in any court, having cognizance thereof, with costs, for the use of the city.

## CHAPTER XII.—*Schools and School Funds.*

School district.

§ 1. All that part of township number five north, of range No. ten west of the third principal meridian, lying within the corporate limits of the city of Alton, with such other parts of said township as may be hereafter incorporated with and come within or under the jurisdiction of said city, is hereby erected into a school district, to be known as the "Alton School District."



§ 2. The school land, school fund and all other real and personal estate of said township shall be divided between the city of Alton and the portion of the township lying without the limits thereof in the proportions and manner following:

Manner of dividing school fund.

The trustees of schools of said townships shall, within three months from the passage of this act, appoint two commissioners, who shall be respectable house-holders, one of whom shall reside in the city and the other in the township without the city, who, after being duly sworn well and truly to perform their duties, shall proceed to ascertain, as nearly as may be, the number of white persons, under the age of twenty-one years, residing in the whole of said township, and the whole number residing in said city, and without said city in the said township, and thereupon the said trustees shall divide and apportion the aforesaid township fund and real and personal estate between said city and said township without the city in the proportion of and according to the number of persons aforesaid, residing within the city and without the city in the said township respectively, and the said commissioners shall have power to make partition of and division of all the funds and real and personal estate belonging to the said township between the city and the township without the city, in the proportions aforesaid, and having completed the same, shall make a full return of their proceedings to the trustees aforesaid. In case the commissioners shall refuse or neglect to perform their duties, the trustees shall appoint others in their stead, who shall be chosen, sworn and perform the like duties assigned to the first commissioners, and the trustees shall have power to fill vacancies and make appointments until the objects of this act are carried into effect.

Commissioners.

§ 3. The trustees of schools of said township shall, upon such division, partition and return of the commissioners being made, pay over and deliver to the clerk of the city of Alton the funds and other personal estate, and make, execute and deliver to the said city of Alton all necessary deeds and other conveyances for the distributive share of the real estate of the said township to which the said Alton school district may be entitled according to the division and distribution aforesaid, and take receipts for the same from the clerk.

Duty of Trustees.

§ 4. It shall be the duty of the common council to cause an abstract of the whole number of white children, under the age of twenty-one years, in the Alton school district to be furnished to the school commissioner of Madison county within ten days after the same shall have been ascertained, and the school commissioner shall annually pay to the clerk of the city of Alton the proportion of the school, college and seminary funds to which the said Alton school district may be entitled, according to the number of persons under the age aforesaid residing in said district, taking his receipt

Abstract of No. of children.

therefor; but no abstract shall be required to be returned to the school commissioner oftener than is required by law in other school districts.

Title of school  
fund and prop-  
erty.

§ 5. The school lands and school fund and other property of the Alton school district shall be and the same are hereby vested in the city of Alton. The common council shall at all times have power to do all things and acts in relation to said school lands and school funds which they may think proper to their safe preservation and efficient management, and sell or lease said lands and all other lots or lands or other property which may have been or may hereafter be donated to the school fund, on such terms and at such times as the common council shall deem most advantageous, and on such sale or sales, lease or leaseings, to make, execute and deliver all proper conveyances, which said conveyances shall be signed by the mayor and countersigned by the clerk and sealed with the corporate seal: *Provided*, that the proceeds arising from such sales shall be added to and constitute a part of the school fund.

§ 6. Nothing shall be done to impair the principal of said fund or to appropriate the interest accruing from the same to any other purpose than the payment of teachers in the public schools in said district, and should there be any surplus interest it shall be carried to and form a part of the school fund.

Power of coun-  
cil.

§ 7. The common council shall have power,

1st. To erect, hire or purchase buildings suitable for school houses, and keep the same in repair.

2d. To buy or lease sites for school houses, with the necessary grounds.

3d. To furnish schools with necessary fixtures, furniture and apparatus.

4th. To establish, support and maintain schools, and supply the inadequacy of the school funds for the payment of city teachers from school taxes.

5th. To fix the amount of compensation to be allowed to teachers.

6th. To prescribe the branches to be taught in the different schools, and to grade and regulate said schools as they may judge best.

7th. To lay off and divide the city into school districts, and from time to time alter the same or create new ones, as circumstances may require.

8th. To prescribe the school books to be used in the several schools.

Inspectors.

9th. The common council shall be *ex officio* inspectors of schools, but they may appoint, in their discretion, seven inspectors, to be denominated "A Board of Education;" also, three school trustees in each district, and to establish and prescribe the duties of each.

10th. And generally to have and possess all the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to the said school district, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

§ 8. The common council shall have power to appoint a School agent "School Agent," who shall have the custody and management of the money, securities and property belonging to the school fund of the district, subject to the direction of the common council.

§ 9. The school agent, before entering upon the duties of his office, shall give bond in such amount and with such condition and sureties as the common council may require. His compensation shall not be paid out of the school funds, and he shall be subject, for misconduct in office, to the same penalties and imprisonment as school commissioners are or may be subject to by law. Duties.

§ 10. The school fund shall be kept loaned at interest at the rate of ten per cent. per annum, payable semi-annually in advance. No loan shall be made hereafter for a longer period than three years, and all loans exceeding one hundred dollars shall be secured by unincumbered real estate of double the value of the sum loaned, exclusive of the value of perishable improvements thereon. For sums of one hundred dollars and less two good sureties besides the principal shall be required. Loan.

§ 11. All notes and securities shall be taken to the city of Alton for the use of the inhabitants of said township for school purposes, and in that name all suits, actions and every description of legal proceedings may be had. Securities.

§ 12. All expenses of preparing or recording securities shall be paid exclusively by the borrower. Expenses.

§ 13. In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including physicians' bills. Debts.

§ 14. If default be made in the payment of interest or of the principal when due, interest at the rate of fifteen per cent. upon the same shall be charged from the default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only when the principal is not due. Default.

§ 15. All judgments recovered for interest or principal or both, shall respectively bear interest at twelve per cent. per annum from the rendition of judgment until paid; and, in case of the sale of real estate thereon, the city of Alton may become the purchaser thereof for the use of the school fund, and shall be entitled to the same rights given by law to other purchasers. On redemption twelve per cent. interest shall be paid from the time of sale. Judgments.



Costs.

§ 16. No costs, made in the course of any judicial proceedings in which the city of Alton, for the use of the school fund, may be a party, shall be chargeable to the school fund.

Additional security.

§ 17. If the security on any loan should, at any time before the same is due, become, in the united judgment of the school superintendent and common council, insecure, the superintendent shall notify the person indebted thereof, and unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon as in other cases, although no condition to that effect be inserted in the note or other security.

Publication.

§ 18. The common council shall annually publish in the corporation newspaper of the city the number of pupils instructed during the preceding year, the several branches of education pursued by them and the receipts and expenditures of each school, specifying the sources of such receipts and the objects of such expenditures.

School tax

§ 19. The school tax shall be paid into the city treasury, and be kept a separate fund for the building of school houses and keeping the same in repair, and supporting and maintaining schools, and for no other purpose.

### CHAPTER XIII.—*Miscellaneous Provisions.*

Annual statement.

§ 1. The common council shall, at least ten days before the annual election in each year, cause to be published in the corporation newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and the mode of disbursement; and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges, for the same period; together with such information as may be necessary to a full understanding of the financial concerns of the city.

Exemption.

§ 2. The inhabitants of the city of Alton are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof, without said limits.

Street labor.

§ 3. The street inspector or supervisor shall demand the services of all persons who are required to labor on the streets and roads of the city, at such time and place and in such manner as the common council may direct or the street inspector or supervisor shall deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business, of any person so required to labor as aforesaid, a written or printed notice or partly written or printed notice, in such form as the common council shall prescribe; which notice shall be given at least one day previous to the first day on which he or they are required to

labor; requiring such persons to appear at such time and place as may be designated for the purpose of laboring upon the streets and roads. But a similar notice, published for ten days in the corporation newspaper by the street inspector or supervisor or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid or to pay the tax in lieu thereof, the collector shall collect from each person in the same manner as other taxes, the sum of three dollars with his commission for collecting added thereto, or the same may be recovered by suit, with costs, as in other cases, or as may be prescribed by ordinance.

§ 4. All fines, forfeitures and penalties collected for offences committed within said city, shall be paid into the treasury of said city by the officers collecting the same; and all fines and forfeitures collected of any citizen of said city for any conviction in the city court shall be paid over in like manner. Fines.

§ 5. The common council shall, in all expenditures for purposes strictly local, expend annually in the several wards of the city such proportion, as near as may be, of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each ward to the general fund. Road taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside. Expenditures.

§ 6. The street inspector or supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine in the same manner as supervisors under the laws of the state. Liability of supervisor.

§ 7. Neither the common council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission, nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise. Remission of fines.

§ 8. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless the meeting be called, in whole or part, for that purpose, and the aldermen be so notified, and unless at such special meeting there shall be present as large a number of aldermen as was present when the vote was taken. Reconsideration of votes.

§ 9. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemetery lots.

Publication of  
ordinances.

§ 10. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published three days in the corporation newspaper, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and places. Ordinances passed by the common council and requiring publication, shall be in force from and after the due publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

Actions.

§ 11. All actions brought to recover any penalty or forfeiture incurred under this act or any ordinance, by-law or police regulation, made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt, for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process.

§ 12. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Justices of the  
peace.

§ 13. The common council shall have power to designate, annually, one or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law or police regulation, any thing in the laws of this state, to the contrary notwithstanding. Such justice shall have power to impose fines and penalties, not exceeding the amount authorized by the constitution of the state. There shall be such local court of civil and criminal jurisdiction, as may be established by the general assembly in the cities of the state, in accordance with the constitution of the state. Such court shall have jurisdiction over all cases arising under this act, or any ordinance of said city in pursuance thereof, and such other civil and criminal jurisdiction as may be provided by law.

Executions.

§ 14. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels, or real estate within the county of Madison, whereof the judgment can be collected, the execution shall require the defendant to be confined in the work-house or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment, and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses



incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

§ 15. Any person who shall injure or destroy any bridge, or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction. Injuring bridges.

§ 16. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Alton, in any action or proceeding in which said city may be a party in interest.

§ 17. All ordinances, regulations and resolutions now in force in the city of Alton, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council after this act shall take effect. Ordinances.

§ 18. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Rights.

§ 19. All property, real and personal, or mixed, belonging to the city of Alton, is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from an after its passage. Property.

§ 20. All ordinances of the city when printed and published by authority of the common council, shall be received in all courts and places without further proof. Publication of ordinances.

§ 21. The style of all ordinances shall be, "Be it ordained by the Common Council of the City of Alton," but may be omitted when published in the form of book or pamphlet. Style.

§ 22. The common council shall provide for and take care of all paupers within the limits of said city, except idiots, lunatics or insane persons, and to accomplish this object they shall have the exclusive right, power and authority to license and tax all ferries, taverns, merchants, auctioneers, pedlers, grocers, venders of spirituous liquors and wines, and other public houses of entertainment, theatrical and other shows and performances, within the limits of said city. Paupers.

§ 23. Whenever a majority of the inhabitants of Upper Alton, qualified to vote for governor of this state, or when- Upper Alton.

ever the inhabitants of any quarter section, half section, or section of land adjoining the present limits of the city of Alton, shall vote in favor of becoming a part of said city, any three of them may make affidavit before a justice of the peace, who shall certify the same to the common council of said city, said common council may by ordinance receive them as part of said city; from thenceforth the quarter section, half section, or section of land so received shall be a part of the said city, and the inhabitants thereof shall be entitled to all the rights and privileges, and bound by all the acts and ordinances made in conformity thereto.

Legal acts.

§ 24. This act shall not invalidate any legal act done by the common council of the city of Alton or by its officers, nor divest their successors, under this act, of any rights of property or otherwise, or liability which may have accrued to, or been created by said corporation prior to the passage of this act.

Conservators  
of the peace.

§ 25. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary detain such persons in custody over night, or the Sabbath, in the watch house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the common council may prescribe.

Powers of com-  
mon council

§ 26. Nothing in this act contained shall be so construed as to deprive the common council of said city of any powers or authority conferred upon the same by the act incorporating said city and the various acts amendatory thereto; but the common council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned.

Digest of or-  
dinances.

§ 27. There shall be a digest of the ordinances of the city which are of a general nature, published within six months after the passage of this act, and a like digest within every period of five years thereafter: *Provided*, it shall be the duty of each common council to cause to be printed in pamphlet form, at the end of each municipal year, all the ordinances passed for the year past and then in force.

Proviso.

§ 28. The common council of the city of Alton, for the purpose of erecting water works for supplying said city with water, may issue bonds for borrowing money in any sum not exceeding one hundred and fifty thousand dollars, at such rates of interest, at such dates and upon such length of time as the common council of said city may deem proper; and all moneys so borrowed shall be used and applied exclusively to the erection of such water works, and to no

Interest.

other use or purpose whatever: *Provided*, that no money shall be borrowed by said city for the purpose aforesaid unless the proposition setting forth the amount proposed to be borrowed shall have been distinctly submitted to a vote of the electors of said city, under the provisions of a city ordinance, and shall have been approved by a majority of those voting upon the proposition. Proviso.

§ 29. For the purpose of paying the interest on the money so borrowed, during the erection and completion of such water works and before they shall have been put in operation, a tax of sufficient amount shall be assessed and collected each and every year, in the usual manner of levying and collecting taxes in said city upon all the taxable property thereof. Interest.

§ 30. The common council are empowered, and it is hereby made their duty, to establish a board of three trustees, to be known as the "Board of Trustees of Water Works," who shall be elected or appointed by the common council, as may be hereafter provided by ordinance, and hold their office for the term of three years; except at the first election, at which one person shall be chosen for one year, one person for two years, and one for three years, and thereafter one of the trustees shall be chosen annually. Trustees of water works.

§ 31. The trustees of water works shall manage, conduct and control the city water works, furnish supplies of water, collect water rents, and appoint all necessary officers and agents and fix the amount of the salary of said officers and agents and their term of office. The trustees of water works shall be authorized to make such by-laws and regulations as they may deem necessary for the safe, economical and efficient management and protection of the works; and said by-laws shall be of the same validity as the city ordinances, provided they are not made repugnant to the ordinances of the city, the constitution or laws of the state of Illinois. Duty of trustees.

§ 32. The trustees of water works shall make monthly reports to the common council of the receipts and disbursements of money belonging to the works, and annually make a report of the condition of the works and cause the same to be printed for the information of the public, and cause all moneys collected for water works purposes to be deposited with the city treasurer; to cause receivers or collectors of water works funds to make such deposits weekly and return a receipt for the amount deposited to the trustees. All moneys so deposited with the treasurer shall be kept a separate and distinct fund for the payment of water works indebtedness, as before mentioned, and shall be subject to the order of the trustees of water works, and all orders made by the said trustees on the city treasurer shall be signed by one of the trustees and countersigned by the clerk or secretary of said board. Reports.



Contracts.

§ 33. The trustees of water works shall also be authorized to make contracts for machinery, water works buildings, reservoirs, and for all other necessary purposes to the full and efficient management and construction of such water works.

Committee of investigation

§ 34. It shall be the duty of the common council to appoint a committee for the investigation of books, papers and all matters pertaining to the water works, annually or oftener, if deemed necessary, by reason of any neglect of duty or malfeasance on the part of any officer of the works, and any officer of the works found by said committee so offending, shall be liable to removal from office by the common council. No charge shall be made by the trustees to the city for supplying water for the extinguishment of fires, cleansing fire apparatus, market houses, or for the use of any public building belonging to the city; but the trustees may make general or special rules and regulations for such purposes.

Possession.

§ 35. The common council shall have power to enter upon and take possession of any lands which may be deemed necessary for the construction, erection or extension of water works or laying down pipes; and any lands so taken for water works purposes shall not be liable to be made use of or taken possession of for any other purpose whatever, except by the consent of the trustees and the common council. When it becomes necessary to appropriate lands for the purpose mentioned, and the price can not be agreed upon, the proceedings shall be the same as is now or hereafter may be provided for appropriating lands for other purposes in the city of Alton, or as may be provided by ordinance for that purpose.

Proposals.

§ 36. The trustees of water works, before entering into any contract for work to be done, the estimated cost of which shall exceed one hundred dollars, shall give at least one week's notice, in one or more newspapers printed in the city of Alton, that proposals for the works specified in the notice; and the trustees shall contract with the lowest bidder, if they deem him responsible; if not, they may give the contract to the next lowest bidder, or decline to contract, and advertise again. Said trustees shall require a bond with good security for the faithful performance of the work; but no member of the board of trustees shall be such security, nor shall any of said trustees be a contractor, or be in any wise, either directly or indirectly, interested in any such work to be contracted for: *Provided, nevertheless*, that in case of emergency, the common council may, by a vote of two-thirds of all the members elect, authorize said trustees to enter into such contract, without advertising in such case.

Water rents.

§ 37. The trustees of water works shall, from time to time, assess the water rents to be paid for water used at each house or other building against the occupant or occu-

pants, owner or owners of such house or other building, on such basis as they shall deem equitable; and such water rents shall become a continuing lien upon such property for the accommodation of which water shall have been introduced, and upon the land or lot and house or other building on which such house or other building stands, when said lot or land and building are owned by the same persons, from the time the water shall have been introduced as aforesaid, and all such water rents may be collected of the occupants, owner or owners of said house or other building, or the owner of the lots and buildings in a suit for money expended for his use; and if no personal property be found to make such debt, the same may be sold as provided by ordinance for the sale of property for taxes in other cases, or as may be prescribed by the common council.

§ 38. Each trustee, before entering upon the duties of Bond. his office, shall give bond to said city in such sum, and with surety to the satisfaction of the common council, conditioned for the faithful performance of the duties as such trustee, and that he will faithfully account for or disburse all moneys or other securities coming under his control as such trustee, the amount of which bond may be increased at any time, as the common council may deem expedient.

§ 39. This act shall be deemed a public act, and may be Public act. read in evidence, without proof, and judicial notice shall be taken thereof in all courts and places, and so much thereof as authorizes the establishment and regulation of water works in the city of Alton, shall take effect and be in force from and after its passage.

All other parts of this act shall take effect and be in force Election. whenever the same is approved by a majority of the legal voters of the city of Alton, voting at any election to be ordered by the common council, to be held in said city for that purpose. The common council are required to order an election to be held in the several wards of said city, on the first Tuesday of March next, or at such other times as the said council may direct, at which election the electors may vote for or against the adoption of this act (except as above specified,) as the charter of the city of Alton; and if the same is approved by a majority of the legal voters, voting at such election, this act shall take effect and be in force from and after the day of such election or approval, as fully as it would have done had it been made to take effect and be in force from and after its passage: *Provided*, that nothing herein contained be so construed as to alter, amend, or repeal "An act to amend the thirteenth section of an act entitled an act to incorporate the city of Alton, approved July 21st, 1837," which act was approved January 18, 1859.

APPROVED February 16, 1859.

In force February 18, 1859. AN ACT granting a new charter to the City of Belleville, and to reduce the several acts incorporating said city into one act.

## ARTICLE I.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the city of Belleville shall comprehend all that district of territory embraced within the following limits, to wit: A territory one mile square, the centre of which shall be the point where the centre of Main street intersects the centre of Illinois street. And the city council shall have the power to enlarge the boundaries of the city, by ordinance, to any extent, not exceeding one-half of a mile south, east and north, and west to any extent, not exceeding one mile: *Provided, however,* that the incorporated town of West Belleville shall not be annexed to the city of Belleville, without the consent of a majority of the voters, to be ascertained by an election to be held for that purpose, or by and with the consent of a majority of the board of directors of the town of West Belleville.

Name.

§ 2. The inhabitants of said city shall be a corporation, by the name of "The City of Belleville"; and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change the same at pleasure; may take, hold, and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease, or dispose of the same for the benefit of the city.

Wards.

§ 3. The city of Belleville shall be divided into four wards, the boundaries of which shall be fixed by the city council, and shall be by the city council changed, from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

## ARTICLE II.

Officers.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A city register, a city marshal, a city treasurer, a city attorney, a city assessor, a city collector, a city surveyor and engineer, a city weigher and market master, and a city street inspector, who, in addition to the duties prescribed in this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance. All officers to be appointed by the city council, unless otherwise provided by



ordinance, and to perform such duties as may be prescribed by ordinance: *Provided*, that the city council may consolidate two or more offices in one person, as they may deem best for the city.

§ 2. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until the election or appointment and qualification of their successors, respectively. All officers appointed by the city council shall be appointed on the first Monday in May, in each year, or as soon thereafter as may be. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only and until the election or appointment and qualification of their successors. Term of office.

§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward, who shall be *bona fide* freeholders and residents thereof, and hold their offices for two years, from and after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one alderman from each ward, so that one from each ward shall be elected annually. The aldermen whose term of office do not expire on the third Monday of April next shall be placed in the first class, and no election shall be held to supply their places. Aldermen.  
Classes.

§ 4. If, from any cause, there shall not be a quorum of aldermen, the register shall appoint the time and place of holding a special election to fill such vacancies, and to appoint judges, if necessary. If any alderman shall remove from the ward represented by him his office shall thereby become vacant. Any alderman or officer elected or appointed to any office, may be removed from such office, by a vote of two-thirds of all the aldermen authorized to be elected; but no alderman or officer shall be removed, except for good cause, nor unless first furnished with the charges against him and heard in his defence. The city council shall have power to compel the attendance of witnesses and the production of papers, when necessary, for the purpose of such trial, and shall proceed, within ten days, to hear and determine the merits of the case; and if such officer shall neglect to appear and answer to such charges then the city council may declare the office vacant: *Provided*, the mayor may suspend such officer or alderman until the disposition of the charges. Special elec-  
tion.  
Removal.  
Proviso.

§ 5. Whenever any vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election; and the city council shall order a special election, within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the year has expired. Vacancy.

Eligibility.

§ 6. All citizens of the United States qualified to vote at any election held under this act shall be qualified to hold any office created by this act; but no person shall be eligible to any office, under this or any other act in relation to said city, who is now or may hereafter be a defaulter to said city or to the state of Illinois or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession; and if any person holding any such office or place within this city shall become a defaulter, whilst in office, the office or place shall thereupon become vacant.

Tie.

§ 7. When two or more candidates for any elective office shall have an equal number of votes for such office the election shall be determined by the casting of lots in the presence of the city council.

### ARTICLE III.

Election.

§ 1. A general election of all the officers of the corporation required to be elected by this act or any ordinance of the city shall be held in each of the wards of the city, on the third Monday of April, in each year, at such places as the city council may appoint, and of which ten days' previous public notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the newspapers publishing the ordinances of the city, by the city register.

Manner of conducting elections.

§ 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same power and authority as the judges of general elections. After the closing of the polls the ballots shall be counted, in the manner provided by law, and the returns shall be returned, sealed, to the city register, within three days after the election; and, thereupon, the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city register to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter the office shall become vacant.

§ 3. No person shall be entitled to vote at any election under this act who has not been a resident of said city at least twelve months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote for ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, and have been a resident of this state one year and a resident of this city one month immediately preceding this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Qualification of  
veters.

Oath.

§ 4. No election shall be held in any grocery or beer house or other place where intoxicating liquors are vended by retail.

§ 5. The persons entitled to vote at any election held under this act shall not be arrested on civil process, within said city, upon the day on which said election is held; and all persons illegally voting at any election, held under this act or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state.

Arrests on elec-  
tion day.

#### ARTICLE IV.

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act shall, before he enters upon the discharge of the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city register.

Take oath.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm "that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

Oath of mayor.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the state, or the ordinances of the city, and, in case of riot, to call out the militia, to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

Riot.



Exhibit of the  
books.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

dictment.

§ 5. He shall be liable to indictment in the circuit court of St. Clair county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon recommendation of the jury to add, as part of the judgment, that he be removed from office.

Ordinances and  
resolutions.

§ 6. All ordinances and resolutions shall, before they take effect, be placed in the office of the city register, and, if the mayor approve thereof, he shall sign the same; and such as he shall not approve he shall return to the city council, with his objections thereto, at the same meeting of the said council which passed said ordinances or resolutions. Upon the return of any ordinance or resolution by the mayor, with his objections, the vote by which the same was passed shall be reconsidered, and, if after such reconsideration, a majority of all the members elected to the city council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings, after the same shall be in the possession of the register aforesaid, the same shall go into effect.

Vacancy.

§ 7. In case of vacancy in the office of mayor or his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy be filled by a new election.

Fire wardens.

§ 8. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes, during their term of office.

Register.

§ 9. The register shall keep the corporate seal and all papers and books belonging to the city. He shall attend all meetings of the city council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall, likewise, draw all warrants on the treasury and countersign the same and keep accurate account thereof in a book provided

for that purpose. He shall, also, keep an accurate account of all receipts and expenditures, in such manner as the city council may direct; and he shall have power to administer any oath required to be taken by this act.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council or its committees. City attorney.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the register. Such warrant shall specify for what purpose the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the register. Treasurer.

§ 12. The city marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace, the collection of license moneys, fines or otherwise. He shall possess the powers and authority of a constable, at common law and under the statutes of this state, and receive like fees, but shall not serve civil process without first entering into bond, as such constable, to be approved by the county court, as in other cases. He shall execute and return all process issued by any proper officer, under this act or any ordinance in pursuance thereof. Marshal.

§ 13. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey, within the city limits; and he shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe. He shall possess the same power, in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and Surveyor.

contracts, grades and boundaries shall be first reported to the city council and approved by them or they shall not be valid.

**Assessor.** § 14. The assessor shall perform all duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as are or may be given by law to county or town assessors and be subject to the same liabilities. On completing the assessment lists, and having revised and corrected the same, he shall sign and return them to the city council.

**Collector.** § 15. The collector shall collect all taxes and assessments which may be levied by the city council and perform such other duties as may be herein prescribed or ordained by the city council.

**Weigher.** § 16. The weigher shall attend at the public scales for which he is appointed and weigh every load of hay, stone coal or other thing which may be presented to be weighed, and to give the person presenting the same a certificate of net weight thereof, and to perform such other duties in the measurement of wood and other things as may be required of him by ordinance or resolution.

**Market master** § 17. The market master shall have the direction and management of the market house and market place, and shall do and perform such acts and duties as may be required of him by ordinance or resolution.

**Street inspector.** § 18. The street inspector shall superintend all local improvement in the city and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and repairing thereof and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of side-walks; to give notice to the owners of property adjoining such side-walks, when required, and upon the failure of any person to comply with such notice to cause the same to be laid, relaid or repaired and apportion the cost thereof among the persons or lots properly chargeable therewith and deliver the amount thereof to the city register, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office and of all disbursements thereof, specifying to whom made and on what account; and he shall render monthly accounts thereof to the city council.

**City Council.** § 19. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their



compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Belleville, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon by the register, shall be filed in his office, except the bond of the register, which shall be in the keeping of the mayor.

§ 20. If any person, having been an officer of said city, shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects, of every description, in his possession, belonging to the city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office in the manner prescribed by the laws of this state.

Delivery of  
books, &c., to  
successors.

§ 21. The officers elected or appointed under this act shall be commissioned by warrants, under the corporate seal, signed by the mayor or presiding officer of the city council and register.

Commissions.

## ARTICLE V.

§ 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

City council.

Quorum.

§ 2. No member of the city council shall, during the period for which he is elected, receive more than fifty dollars for his services as alderman, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily.

Compensation

§ 3. The city council shall hold twelve stated meetings, one in each month, during the year; and the mayor and aldermen, or any two aldermen, may call special meetings by notice to each of the members of the council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council; and they shall determine the rules of their own proceedings and be the judges of the election and qualification of their own

Meetings.

members, and shall have power to compel the attendance of absent members.

Finances.

§ 4. The city council shall have control of the finances and of all property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance:

Borrow money

*First.*—To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city for the year immediately preceding; and no bonds shall be issued or negotiated at less than par value. The appropriations of the city council for payment of interest, for improvements and for city expenses, during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund for that purpose, or to the contingent fund, for the contingent expenses of the city.

Appropriations

*Second.*—To appropriate money and to provide for the payment of the debts and the expenses of the city.

Diseases.

*Third.*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Health.

*Fourth.*—To make regulations to secure the general health and comfort of the inhabitants; to prevent and abate and remove nuisances and punish the authors thereof by penalties, fines and imprisonments; to define and declare what shall be deemed nuisances, and authorize and direct summary abatement thereof.

Water.

*Fifth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Streets, &c.

*Sixth.*—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains and sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Bridges, &c.

*Seventh.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, side-walks and cross-

ways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private persons.

*Eighth.*—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof; and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and side-walks. Lighting of the streets.

*Ninth.*—To establish and erect markets and market houses and other public buildings of the city, and provide for the government and regulation thereof and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same. Markets.

*Tenth.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees, in the streets and public grounds. Public grounds

*Eleventh.*—To erect and establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals.

*Twelfth.*—To prevent the incumbering of streets, alleys, side-walks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep snow, ice, dirt and other rubbish from the side-walks and street gutters in front of the premises occupied by them. Incumbering streets.

*Thirteenth.*—To license, tax and regulate merchants, commission merchants, inn keepers, insurance brokers and auctioneers, and to impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawn brokers, grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements. Tax merchants

*Fourteenth.*—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to restrain and regulate runners for stages, cars and public houses. Hackmen, &c.

*Fifteenth.*—To license, tax and regulate billiard-tables, ten-pin alleys and ball-alleys; to suppress and restrain disorderly houses, tippling shops bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, Billiard tables.



with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gaming.

Licenses.

*Sixteenth.*—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at wholesale or retail, by grocery keepers, inn keepers or others, shall be issued for less than fifty dollars.

Intoxicating li-  
quors.

*Seventeenth.*—To restrain, regulate, and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, or within half a mile of the boundary of the city, excepting those which are in the town of West Belleville, except by persons duly licensed by the city. To forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, [without the consent] of the parent, guardian, master or mistress.

Forestalling.

*Eighteenth.*—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables; of butter, lard and other provisions; and the place and manner of selling fish, and inspecting the same.

Weights and  
measures.

*Nineteenth.*—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law. To require all traders or dealers in merchandise or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city weigher or other person appointed by the city council, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Butchers.

*Twentieth.*—To regulate, license and prohibit butchers; and to revoke their license for malconduct in the course of trade.

Lumber, &c.

*Twenty-first.*—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building materials; and for the measuring of all kinds of mechanical work; and to appoint one or more inspectors or measurers.

Hay, &c.

*Twenty-second.*—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same. To regulate the measurement of fire wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

Provisions.

*Twenty-third.*—To regulate the inspection of beef, pork, flour, meal, salt and other provisions, salt, whisky, and other

liquors, to be sold in barrels, hogsheads, and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the state, except at the request of the owner thereof, or his agent. Inspectors.

*Twenty-fourth.*—To regulate the weight and quality of bread to be sold or used within the city. Bread.

*Twenty-fifth.*—To direct, license and control all wagons and trains conveying heavy loads within the city and prescribe the width of the rim and tire of the same.

*Twenty-sixth.*—To regulate the size and quality of bricks to be sold or used within the city and the inspection thereof. Bricks.

*Twenty-seventh.*—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers. Police.

*Twenty-eighth.*—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private house within the city. Riots.

*Twenty-ninth.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses, or other animals, attached to vehicles or otherwise, while standing or remaining in the streets. Horse racing.

*Thirtieth.*—To restrain and punish vagrants, mendicants and street beggars and prostitutes. Vagrants.

*Thirty-first.*—To regulate, restrain or prohibit the running at large of horses, mules, jackasses or jennies, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for costs of the proceedings, and the penalties incurred; and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Stock. Dogs.

*Thirty-second.*—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, performances and practices, tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise. Amusements.

*Thirty-third.*—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient. Nuisances.

*Thirty-fourth.*—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

*Thirty-fifth.*—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Breweries.

*Thirty-sixth.*—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Burial of the dead.

*Thirty-seventh.*—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for any default in the premises.

Census.

*Thirty-eighth.*—To provide for the taking an enumeration of the inhabitants of the city.

Work house.

*Thirty-ninth.*—To erect and establish a work house or house of correction; make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto, by any proper officer, and persons sentenced by any criminal court or magistrate in and for the city, or for the county of St. Clair, for any assault and battery, petit larceny or other misdemeanor, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine or penalty or costs imposed by any ordinance of the city for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of St. Clair county, be kept therein, subject to labor and confinement.

Destitute children.

*Fortieth.*—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Drains, &c.

*Forty-first.*—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains,



sinks and privies; direct and regulate their construction and cause the expense thereof to be assessed and collected in the same manner as side-walk assessments.

*Forty-second.*—To direct and control the laying and construction of railroad tracks, bridges, turn outs and switches, in the streets and alleys, and the location of depot grounds within the city. To require that railroad tracks, bridges, turn-outs, and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts, when the city council may deem necessary. To direct and prohibit the use and regulate the speed of locomotive engines within the inhabited parts of the city. To prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage. Railroad track.

*Forty-third.*—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof: to enforce the observance of all such rules, ordinances and police regulations and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work house or both, in the discretion of the court or magistrate, before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars nor the imprisonment of six months for any offence; and such fine or penalty may be recovered with costs in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs; and in default thereof, may be imprisoned in the county jail, city prison or work house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance. Ordinances.

*Forty-fourth.*—To recall and withdraw from circulation any of the matured city bonds for city indebtedness for the purpose of paying the same, or to have new bonds reissued to those who are legally entitled to them, but in no case shall such bonds be disposed of under par, nor shall any greater rate of interest be paid than ten per cent per annum. City bonds.

*Forty-seventh.*—To regulate and license all the groceries and beer houses, shows, menageries and other exhibitions within half a mile of the established boundaries of the city, excepting those within the limits of the town of West Belleville.

## ARTICLE VI.

§ 1. The city council shall have power within the city, by ordinance—

*Taxes.* *First.*—To levy and collect annually taxes not exceeding five mills to the dollar, on all assessed value of real and personal estate, and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses of the city, not herein otherwise provided for, which taxes shall constitute a general fund.

*Special tax.* *Second.*—Also to levy and collect a special tax on all property described in section first of not exceeding two mills on the dollar, which two mills shall constitute a sinking fund, to be wholly applied in the payment of the bonds and obligations of the city not due and maturing on or before the first of January, 1863, and for no other purpose whatever.

*Tax for lamp post.* *Third.*—Also to levy and collect, upon all property in such districts as they shall from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp posts and lamps and lighting the streets in such districts, and the tax thus collected shall be exclusively expended for such purposes in the districts paying the same.

*Road tax.* *Fourth.*—To require (and it is hereby made the duty of) every male resident of the city, over the age of twenty-one years, and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof two dollars; *Provided*, the same shall be paid within ten days after notification by the street inspector. In default of payment as aforesaid the sum of three dollars and costs may be collected, and no set off shall be allowed in any suit brought to collect the same.

## ARTICLE VII.

*Public grounds &c.* § 1. The city council shall have power to open and lay out public grounds, or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent in writing of all persons owning land or lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways, or public squares or grounds laid out by them,

to be surveyed, described and recorded in a book, to be kept by the register, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons will be benefitted by such improvement; and assess the damages and expenses thereof on the real estate benefitted thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners. Compensation.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties, they shall give at least five days' notice to all persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessments; which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown; they shall view the premises, and in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day. Sworn.

§ 4. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and secondly, the value of such building to him, to remove. Valuation, how  
1. ade.

§ 5. At least five days' notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given, by publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, Notice.



or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove; if the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

Sale of building.

§ 6. If the owner refuses to take the building at its appraised value, to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building, at public auction, for cash or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

Assessment of damages.

§ 7. The commissioners shall thereupon proceed to make their assessments, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the building, (if the property of the owner of the land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

Strike balance

§ 8. If the damages to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall in any case be collectable of or paid to them.

§ 9. If the lands and buildings belong to different persons or if the land be subject to lease or mortgage the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefit resulting to them, respectively, from the improvement.

Return of assessment by commissioners

§ 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefitted, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made; when completed, the commissioners shall sign and return the same to the city council within forty days of their appointment.

Notice

§ 11. The register shall give ten days' notice, by publication in the newspaper publishing the ordinances of the

city, that such assessment has been returned, and on a day, to be specified therein, will be confirmed by the city council, unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void; if confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same or other commissioners, they shall proceed to make their assessment and return the same in like manner, and give like notice as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

§ 12. The city council shall have power to remove commissioners and from time to time to appoint others in place of such as may be removed, or refuse, neglect or are unable, from any cause, to serve. Remove commissioners.

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground or square shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent cannot be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public grounds may be made and opened. Lands taken.

§ 14. When the whole of any lot, parcel of land or other premises, under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respectively, cease and be absolutely discharged.

§ 15. When part only of any lot, parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the commissioners, shall be absolutely discharged, as to that part thereof so taken, but shall remain valid as to the residue thereof, and the rents, consideration and payments reserved payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equi- When part taken.

tably payable for such residue thereof, and no more, shall be paid or recoverable, in any respect of the same.

Appeal.

§ 16. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of St. Clair county, by notice, in writing, to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal, the city council shall make a return within thirty days after notice thereof, and the court shall, at the next term after the return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court; or upon application of the city or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly; and the burden of the proof shall, in all cases, be upon the city to show that the proceedings are in conformity with this act.

Landlord pay  
assessments.

§ 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person, when, by agreement or by-law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest. Nothing herein contained shall, in any way, impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments.

Damages.

§ 18. The city council may, by ordinance, make any change they may deem advisable in the proceedings herein prescribed, for ascertaining the damages and injury occasioned to any person, or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefitted by the improvement, and in all such other respects as experience may suggest.

Rights of in-  
terests.

§ 19. When any known owner, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of St. Clair county, the county judge of said county, or any judge of the supreme court, may, upon the application of the city council, or such infant or his next friend, appoint a guardian for



such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

## ARTICLE VIII.

§ 1. The city council shall have power, from time to time, to cause any street, alley or other highway to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same. Improvements  
of streets, &c.

*Second.*—To cause side-walks and cross-walks, main drains and sewers and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same. Side-walks.

*Third.*—To grade, improve, protect and ornament any public square, or other public ground, now or hereafter laid out. Public square.

*Fourth.*—The city council shall have additional powers to assess and collect of the owners of lots or real estate on any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, macadamizing, paving or planking such street or other highway: *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed. Collect city tax

§ 2. That, for the purpose of establishing a system of sewerage and drainage, the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage, by sewers and drains, for the whole city, and number and record the same. City districts.

§ 3. That whenever a majority in number of the owners of real estate within any district shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five (5) mills to the dollar, per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains; which tax [shall] be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and may from time to time extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or Special tax.

apportionment shall be repealed or altered until the debt created thereby shall have been paid.

Sidewalks.

§ 4. All owners or occupants of lots or lands in front of, adjoining or upon whose premises the city council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to [be] graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relayed, cleansed, filled up, graded, drained, or otherwise improved, and assess the expense thereof, by an order, to be entered in their proceedings, upon the lots and land respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses as for money paid and laid out to his use at his request.

Tax for the removal of nuisances.

§ 5. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in a suit for money expended to his or their use; and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Cleansing of alleys.

§ 6. The city council shall have power to compel the owners of lots or ground fronting or adjoining any private or public alley, to keep said alley clean, and, if necessary, to direct the same to be paved, macadamized, planked, or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

## ARTICLE IX.

Assessors and assessment lists.

§ 1. The city council shall have power, by ordinance, to prescribe the form [of] assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

§ 2. The annual assessment lists shall be returned by the assessor on or before the first Monday in August in each

year, but the time may be extended by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto, and the register shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property may appear at the time specified, and make his objections. The city council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, or to refer the same back to the assessor, with instructions to correct and revise the same.

§ 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof shall be entered by the register. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

Assessment  
lists filed,

§ 4. All taxes and assessments, general or special, levied or assessed by the city council under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed for two years from and after the corrected assessment lists shall be confirmed, or the passage of the order for assessment, and on personal estate, from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate in case of removal, or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of the state: *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Assessments &  
lien.

§ 5. The register shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Issue warrants  
for taxes.



Warrants signed by mayor.

§ 6. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and register, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists, upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the city council. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice, published by the collector for ten days in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The assessor's list shall, in all cases, be evidence on the part of the city corporation.

Collector collect taxes.

§ 7. All taxes and assessments, general or special, shall be collected by the collector in the same manner and with the same power and authority as is given by law to collectors of county and state taxes. He shall pay the same as fast as collected into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liabilities, in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have the powers, duties and liabilities of collectors by ordinance.

Non-payment.

§ 8. Whenever the city council shall by ordinance, resolution, or other proceeding, in conformity with and by virtue of this act, levy any tax, either for general or special purposes, or make any assessment on any lot, ground or real estate, for the purpose of improving any street, sidewalk or alley, or for grading any lot or real estate, and such tax or taxes shall not be paid within the time fixed by ordinance, the collector shall give thirty days' notice by advertisement in the newspaper publishing the city ordinances, that he will apply to the county court of St. Clair county, for the purpose of obtaining a judgment against such delinquent lot or parcel of real estate, for the amount of taxes or assessments and costs due and unpaid; and the county court shall hear and determine said application and render judgment against said delinquent real estate in the same manner, and said judgment shall have the like effect as though said delinquent list had been returned to the county court by the sheriff or collector of the county in the collection of state and county taxes, and the county court shall issue its precepts or order to the collector of the city, directing him to sell said real estate at public auction, to pay said delinquent taxes, assessments and costs. The city council shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into effect, and to fix

the time of said application to the county court and the time and place of the sale of said real estate.

§ 10. All sales shall be conducted in the manner required by law, but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same, and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser, and the other filed in the office of the register, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The collector shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The register shall keep a record of such sales, which shall be open to public inspection at all reasonable times. Sale for taxes

§ 11. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *feme covert*, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the city register, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city council shall, upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council, and countersigned by the register conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the register in the book wherein tax sales are recorded. A fee of one dollar may be charged by the register for any deed so issued. Redemption.

§ 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser. Deed.

§ 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corpo-

rate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Deeds evidence

§ 14. All deeds made to purchasers of lots sold for taxes or assessments, by order of the city council, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts:

*First.*—That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

*Second.*—That the taxes or assessments were not paid at any time before the sale.

*Third.*—That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

*First.*—That the land or lot was advertised for sale the length of time and in the manner required by law.

*Second.*—That the land was sold for taxes or assessments, as stated in the deed.

*Third.*—That the grantor in the deed was the purchaser.

*Fourth.*—That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of the act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United State or this state, after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid.

## ARTICLE X.

Wooden build-  
ings.

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings, within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof mate-



rials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. To declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

§ 2. The city council shall have power—

*First.*—To regulate the construction of chimneys and flues so as to admit of chimney sweeps, or other mode of cleaning, and to compel the sweeping and cleaning of chimneys. Chimneys.

*Second.*—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, and to cause such as may be dangerous to be put in safe condition.

*Third.*—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition. Ashes, &c.

*Fourth.*—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises. Fire buckets.

*Fifth.*—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

*Sixth.*—To regulate, prevent and prohibit the use of fire-works and fire-arms.

*Seventh.*—To direct and prohibit the management of houses for the storing of gunpowder, and other combustible and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses. Gunpowder, &c

*Eighth.*—To regulate and prescribe the manner, and order the building of parapet and partition walls and of partition fences.

*Ninth.*—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Authority of  
the mayor and  
other officers  
in case of fire.

*Tenth.*—To authorize the mayor, fire wardens or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

*Eleventh.*—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Fire engines.

§ 3. The city council may procure fire engines, and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—

*First.*—To organize fire, hook, hose, axe and ladder companies.

*Second.*—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take care and have the management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Prescribe the  
duties of fire-  
men.

*Third.*—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.

Engineers.

*Fourth.*—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Firemen to be  
exempt from  
serving as ju-  
rors, &c.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying tax for the same. The name of each fireman shall be registered with the register of the city, and the evidence to entitle him to the exemption provided in this section, shall be the certificate of the register, under the corporate seal, for the year for which exemption is claimed.

## ARTICLE XI.

Health com-  
missioners.

§ 1. The board of health shall consist of one alderman from each ward, to be appointed, annually, by the mayor; and the mayor, or presiding officer of the city council, shall be president of the board, and the city register shall be their clerk, and keep minutes of its proceedings.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

Duty.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which, in the opinion of the board, shall be infected by or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

Removal of diseased persons.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish, by fine or imprisonment or both, any refusal or neglect to obey the orders and regulations of the board.

Prescribe powers and duties of the commissioners.

§ 5. The health officers may be authorized by the city council, when the public interests requires, to exercise, for the time being, such powers, and perform such of the duties, of the marshal or supervisor, as the city council may, in their discretion, direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty under this act, or any ordinance.

§ 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt, in any court having cognizance thereof, or before a justice of the peace, for the the use of the city.

Physicians to make report.

### ARTICLE XIII—*Miscellaneous Provisions.*

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources

Publish statement.



from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Exempt from  
road labor.

§ 2. The inhabitants of the city of Belleville are hereby exempt from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

§ 3. The street inspector shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such manner, as the city council may direct or the inspector shall deem necessary. He shall deliver, or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe; which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But a similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the inspector, or posted in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto.

Fines, &c.

§ 4. All fines, forfeitures and penalties collected for offences committed within the city shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city for any conviction in the circuit court, shall be paid over in like manner.

Richland creek

§ 5. The water course known as Richland creek in said city, or any natural branch leading thereinto, shall not be filled up, altered or changed, except in the manner prescribed by the city council; and the city council shall have power to establish and direct, and prescribe the manner of altering, changing and straightening, and to wall, fill up, culvert or sewer the same.

Numbering  
lots.

§ 6. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance, and such plat,

designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks and lots or fractional blocks and lots. To establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

§ 7. The city council shall, in all expenditures for purposes strictly local, expend annually, in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division to the general fund; street taxes shall be expended in the several wards or districts where the persons paying the same may respectively [reside.] Expenditures.

§ 8. The street inspector, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine, in the same manner as supervisors under the state laws. Penalty of inspector.

§ 9. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction, by indictment or otherwise. Remittance of fine.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be notified, and unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken. Vote of city council.

§ 11. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the register, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places. Ordinances and by-laws be published.

§ 12. The cemetery lots which may be laid out and sold by the city or private persons, for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemetery.

Suits brought  
in name of  
city.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt, for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

First process.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Executions.

§ 15. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate, within the county of St. Clair, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or work-house or city prison, for a term of not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Penalty.

§ 16. Any person who shall injure or destroy any bridge or any public building or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action at the suit of the city, for the damages occasioned by such injury or destruction.

Freeholders  
not exempt  
as judges, &c.

§ 17. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Belleville, in any action or proceeding in which said city may be a party in interest.

Ordinances in  
force.

§ 18. All ordinances, regulations, and resolutions now in force in the city of Belleville, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this [act] shall take effect.

Suits.

§ 19. All rights, actions, fines, penalties, and forfeitures in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Property.

§ 20. All property, real personal or mixed, belonging to the city of Belleville, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall respectively continue in the same, until su-



perseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

§ 21. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof. Published or-  
dinances.

§ 22. The style of all ordinances shall be, "Be it ordained by the City Council of the City of Belleville." Style.

§ 23. Any tract of land adjoining said city which may be laid off into blocks or lots, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city, and form a part thereof.

§ 24. This act shall not invalidate any legal act done by the city council of the city of Belleville, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act. This act not to  
invalidate acts  
of city coun-  
cil.

§ 25. The city council shall have power to require the police magistrate to report and settle quarterly, or oftener, and to conform to the ordinances and resolutions passed from time to time. Police magis-  
trate.

§ 26. The police magistrate and all other officers of the city shall not be entitled to receive any fees from the city when from any cause the city shall be unsuccessful in the prosecution of any action, or should be unable to collect any fine and costs, or until the money has been collected by the officer authorized to collect the same. Fees.

§ 27. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such person in custody over night, or the Sabbath, in the watch house, or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe. Breakers of  
peace.

§ 28. Nothing in this act shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city, and the various acts amendatory thereto; but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act, or the acts heretofore mentioned. Power of coun-  
cil heretofore.

§ 29. There shall be a digest of the ordinances of the city, which are of a general nature, published within one Digest of ordi-  
nances.

year after the passage of this act, and a like digest within every period of five years thereafter.

§ 30. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage.

APPROVED February 18, 1859.

In force Feb'y 24, 1859. AN ACT to amend the several acts amendatory of the city charter of the city of Bloomington.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That an act approved February 16th, 1857, extending the corporate limits of the city of Bloomington, for the purpose of giving said city jurisdiction over a part of Sugar creek, be and the same is hereby repealed.

Act repealed.

Fines.

§ 2. That hereafter all fines and forfeitures collected for penalties incurred within the incorporated limits of the said city of Bloomington shall be paid into the treasury of said city by the officers collecting the same.

Bonds.

§ 3. That the city council of said city of Bloomington are hereby authorized to issue bonds to the sum of fifteen thousand dollars, bearing six, eight or ten per cent. interest, payable from one to fifteen years, for the purpose of aiding in building a market house for said city: *Provided,* that at an election ordered by the council of said city for that purpose a majority of the legal voters of said city shall be in favor of the same.

Side-walks.

§ 4. That for the purpose of aiding in constructing side-walks, grading and paving or planking the streets of said city, it shall be lawful for the city council of said city to levy the amount of the expense of such construction of side-walks, grading, paving or planking as a tax upon the lots and grounds adjoining said construction of side-walks, grading, paving or planking, and to be levied and collected in the same manner as other city taxes of said city are levied and collected.

Act repealed.

§ 5. And whereas it has been urged that an act passed February 10th, 1857, entitled "An act to give uniform organization and jurisdiction to inferior courts of local jurisdiction in the cities in this state," repealed the law of February 27th, 1854, establishing police magistrates' courts, that the said act of the 10th of February, 1857, first above mentioned, so far as it may refer to the city of Bloomington, is hereby repealed, and the law of the 27th February, 1854, establishing police magistrates' courts, be re-affirmed and in

force in the city of Bloomington, as if the same had not been repealed.

§ 6. That the city council of the city of Bloomington is hereby authorized and empowered to elect a police magistrate, at any regular meeting of said city council, after the passage of this act. Said [appointee] to hold said office until the first regular city election in said city, in the year of our Lord 1862, at which time his successor shall be elected; and said city council is hereby empowered to fill all vacancies which may occur in said office until the first regular city election shall be held in said year of 1862.

Police magis-  
trate.

§ 7. In suits instituted by the city of Bloomington, for the violation of the ordinances of said city, change of venue shall in no case be allowed from the police magistrate of said city.

Change of ve-  
nue.

§ 8. This act shall take effect from and after its passage.  
APPROVED February 24, 1859.

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AN ACT to amend the charter of the city of Cairo.

In force Feb'y  
11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the limits of the said city of Cairo shall be so extended as to embrace all that district of country, in the county of Alexander, in township 17 south, and range 1 west, situated south and east of the south line produced of sections 14 and 15, in said township, and between the main channels of the Ohio and Mississippi rivers, to their point of junction; and the said district, being fractional sections 22, 23, 24, 25, 26, 27, 35 and 36, in said township, and the territory between said fractional sections and the middle of the main channel of the Ohio and Mississippi rivers, shall be included within the limits and jurisdiction of said city, and be subject to its ordinances, laws and regulations.

Limits extend-  
ed.

§ 2. So much of section 1, article 5, of said charter as provides that no sum or sums of money shall be borrowed at a greater rate of interest than six per cent. is hereby repealed, and the city council of said city shall have the power to borrow such sums of money as they are now authorized to borrow, at any legal rate of interest not exceeding ten per cent.

Amendment.

§ 3. Section 5, of article 5, of said charter is hereby amended by striking out the words "by the board."

Amendment.

§ 4. Section 6, of article 5, of said charter is hereby amended by adding the words "where an appropriation of money is made" after the words "in all cases," so that said section 6 of said article 5, shall read as follows, viz: "In all

Amendment.



cases where an appropriation of money is made, the vote shall be taken by yeas and nays and entered on the journal of the board."

Exemption.

§ 5. The real and personal estate in the said city shall be hereafter exempt from taxation for county purposes.

Vagrants.

§ 6. The city council of the city of Cairo shall have power and authority to restrain and punish vagrants, mendicants, street beggars and all other persons offending against the public health, morality and police of said city.

§ 7. This act shall be in force from and after its passage.

APPROVED February 11, 1859.

In force Feb'y  
18, 1859.

AN ACT to incorporate the city of Centralia.

### ARTICLE I.—*Of Boundaries.*

Name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Centralia, in Marion county, be and are hereby constituted a body politic and corporate, by the name and style of the "City of Centralia;" and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity; and may have and use a common seal, and alter the same at pleasure.

Limits.

§ 2. All that territory embraced within the following limits, to wit: The south half of section seven (7), the south-west quarter of section eight (8), all of section eighteen (18), the west half of section seventeen (17), the northwest quarter of section twenty (20), and the north half of section nineteen (19), in township one (1) north, of range one (1) east of the third (3) principal meridian, shall be and is hereby declared to be within the limits of the city of Centralia.

Additions.

§ 3. Whenever any tract of land, adjoining the city of Centralia, shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form part of the city of Centralia; and all parcels of land within the city boundaries that are in extent five acres and over shall be exempt from taxation for city revenue until the same shall be subdivided into lots of less than five acres, and each lot, when so divided, shall be taxed as other city lots.

General pow-  
ers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity and in all actions whatever; to hold, purchase and receive property, both real and personal, in said

city; to purchase, receive and hold property, both real and personal, beyond the city, for burial purposes and for other purposes, for the use of said inhabitants of said city; to sell, lease and convey or dispose of property, and do all other things in relation thereto as natural persons.

## ARTICLE II.—*Of the City Council.*

§ 1. There shall be a city council, to consist of a mayor Council and board of aldermen.

§ 2. The board of aldermen shall consist of two mem- Board of alder-  
bers from each ward, to be chosen by the qualified voters men.  
for two years and until others shall be legally qualified.

§ 3. No person shall be an alderman unless at the time Eligibility.  
of his election he shall be a freeholder in said city, and shall have resided within the limits of the city one year immediately preceding his election, and shall have the requisite qualifications to vote for state officers, be a resident of the ward for which he is elected and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove Vacancy,  
from the ward for which he is elected, or ceases to be a freeholder in said city, his office shall be declared vacated. The mayor and aldermen shall serve, without compensation from the city funds, until there shall be five thousand inhabitants in said city; and when the population shall exceed five thousand, the mayor shall receive such compensation as the city council shall determine, not to exceed two hundred dollars per annum.

§ 5. At the first meeting of the city council the alder- Classes.  
men shall be divided, by lots, into two classes; the seats of the first class shall be vacated at the expiration of the first year, and of the second class at the end of the second year, so that one half the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, Qualifications.  
elections and returns of their own members, and shall determine all contested elections under this act.

§ 7. A majority of the city council shall constitute a Quorum.  
quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

§ 8. The city council shall have power to determine the Rules.  
rules of its own proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceed- Journal.  
ings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

- Prohibition. § 10. No alderman shall be appointed to any office under the authority of the city, that shall have been created, or the emoluments of which shall have been, increased during the time for which he shall have been elected; nor shall he be engaged in any contract with said corporation, while serving as such alderman.
- Vacancies. § 11. All vacancies that shall occur in the board of aldermen shall be filled by election.
- Oath. § 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath, or make affirmation, that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability.
- Tie. § 13. Whenever there shall be a tie in an election of aldermen, the judges of election shall certify the fact to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance.
- Meetings. § 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by the city council.

### ARTICLE III.—*Of the Chief Executive Office.*

- Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year and until his successor shall be elected and qualified.
- Eligibility. § 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States and a freeholder.
- Removal. § 3. If any mayor, during the time for which he shall have been elected, remove from the city, or shall be absent from the city for the space of six months, his office shall be vacated.
- Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be determined by ordinance.
- Contest. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same, as may be prescribed by ordinance.
- Vacancy. § 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.



ARTICLE IV.—*Of Elections.*

§ 1. On the second Monday of March next, an election shall be held in each ward of the city for one mayor and one marshal, one street commissioner, one city surveyor, one treasurer and assessor, one police magistrate for the city, two aldermen for each ward; and forever thereafter, on the second Monday of March in each year, there shall be an election for one mayor, one marshal, one street commissioner, one city surveyor, one treasurer and assessor for the city and one alderman for each ward. Election.

§ 2. A. H. Seley, J. G. Cormick, Wm. E. Melveny, M. C. Kell and Hugh Parkinson shall constitute a board of trustees of said city of Centralia, and immediately after the adoption of the charter by the citizens, shall divide the city into three wards, by lines running east and west, describing particularly the boundaries of each ward; the wards to be as nearly equal in population as practicable. The said trustees shall, by ordinance, provide for the first election of all the officers to be elected under this act; shall canvass the votes and declare who are duly elected, and make return of the election to the clerk of the county court and to the secretary of state, of the election of mayor and of police magistrate, in the same manner that returns are made of the election of justices of the peace. Board of trustees.

§ 3. All male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city one year next preceding the election, and who shall have paid such city tax as they may be subject to, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in the wards in which they shall respectively reside. Voters.

ARTICLE V.—*Of Legislative Powers of City Council.*

§ 1. The city council shall have power and authority to levy and collect taxes for city purposes upon all property, real and personal, within the city, not exceeding one-fourth of one per cent. per annum upon the assessed value thereof; *Provided*, that after three years from the organization of the city, a higher tax may be raised, if two-thirds of the voters of the city shall agree thereto at a special election for that purpose called by the mayor; and the council may enforce the payment of taxes in any manner prescribed by ordinance, not repugnant to the constitution of the United States and of this state. Powers of council.

§ 2. The city council shall have power to appoint a clerk, city attorney and all such other inferior officers as are necessary. Officers.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with Bonds and oath

penalty and security, for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers, appointed as aforesaid, to take such an oath or make such affirmation as the common council may prescribe, for the faithful performance of their respective offices, before entering upon the discharge of the same; to borrow money upon the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum; nor shall any sum or sums be borrowed, as aforesaid, until the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof; and if two-thirds of the legal voters of said city shall vote in favor of any such loan, the same shall be negotiated, and not otherwise.

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| Appropriation       | § 4. To appropriate money and provide for the payment of the debts and expenses of the city.   |
| Diseases.           | § 5. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same, within five miles of the city. |
| Hospitals.          | § 6. To establish hospitals and make regulations for the government of same.   |
| Health.             | § 7. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance and to prevent and remove the same.  |
| Water.              | § 8. To provide the city with water, to erect hydrants and pumps, build cisterns and dig wells in the streets for the supply of engines and buckets.                                     |
| Streets.            | § 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys, sidewalks, drains and sewers.            |
| Bridges.            | § 10. To establish, erect and keep in repair bridges.  |
| Wards.              | § 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.  |
| Light.              | § 12. To provide for lighting the streets and erecting lamp posts.   |
| Night watches.      | § 13. To establish, support and regulate night watches.  |
| Markets.            | § 14. To erect market houses, to establish markets and market places, and to provide for the government thereof.   |
| Public buildings.   | § 15. To provide for all needful buildings for the use of the city.  |
| Public grounds      | § 16. To provide for inclosing, improving and regulating all public grounds belonging to the city.   |
| Auctioneers,<br>&c. | § 17. To license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawnbrokers and money changers.                          |
| Hacks, &c.          | § 18. To license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rates to be charged for  |

the carriage of persons and for the wagonage, cartage and drayage of property.

§ 19. To license and regulate porters and the rates of porters.  
porterage.

§ 20. To license, tax and regulate all theatrical and shows.  
other exhibitions, shows and amusements.

§ 21. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses and bawdy houses and other disorderly houses. Tippling houses.

§ 22. To provide for the prevention and extinguishment of fires; to organize and establish fire companies. Fires.

§ 23. To regulate the fixing of chimneys and to fix the flues thereof. Chimneys.

§ 24. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials. Combustibles.

§ 25. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large. Walls and fences.

§ 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not otherwise provided for by law, and to order all laws upon the subject to be enforced, and to fix and enforce payments of fines for noncompliance with any such order. Weights and measures.

§ 27. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical works. Lumber.

§ 28. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood and other fuel, to be used within said city. Hay, &c.

§ 29. To provide for and regulate the inspection of tobacco and of beef, pork, flour, meal and whisky in barrels. Provisions.

§ 30. To provide for and regulate the inspection of butter, lard and other provisions.

§ 31. To regulate the weight and quality of bread to be sold and used in the city. Bread.

§ 32. To regulate the size of bricks to be sold and used in the city. Brick.

§ 33. To provide for taking enumeration of the inhabitants of the city. Census.

§ 34. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance. Officers.

§ 35. To fix the compensation of all city officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance made in pursuance thereof. Salaries.

§ 36. To regulate the police of the city, to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and enforcement of such penalties; and all moneys collected under and by authority of any city ordi- Police.



nance shall be deemed and taken to belong to the city and disposed of by the city council, under the ordinances of said city, for the general use and benefit thereof.

Billiard tables. § 37. The city council shall have exclusive power, within the city, to license or suppress and restrain billiard tables and bowling alleys.

Ordinances. § 38. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States or this state.

Style. § 39. The style of the ordinances shall be, "Be it ordained by the City Council of the City of Centralia."

Publication. § 40. All ordinances passed by the city council shall, within one month after they shall have passed, be published in some newspaper in the city, or posted up in three of the most public places in the said city of Centralia, and shall not be in force until they shall have been published as aforesaid.

Proof. § 41. All ordinances of the city may be proven by the seal of the corporation, and when printed in book or pamphlet form and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

#### ARTICLE VI—Of the Mayor.

Mayor. § 1. The mayor shall preside at all meetings of the city council, and, in case of a tie, shall have the casting vote and in no other. In case of nonattendance of the mayor at any meeting, the board of aldermen shall appoint one of their number chairman, who shall preside at the meeting but shall not thereby lose his right to vote on any question before the board.

Special meetings. § 2. The mayor or any two aldermen may call special meetings of the city council.

Duties of mayor. § 3. The mayor shall, at all times, be vigilant and active in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the aldermen such information and recommend all such measures as, in his opinion, may tend to the improvement of finances, the police, the health, security, comfort and ornament of the city.

Riots. § 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of riots, to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city or carrying into

effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city an exhibit of his books and papers. Exhibits.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places, within five miles of the boundaries, for the purpose of enforcing the health and quarantine ordinances thereof. Jurisdiction.

§ 8. He shall receive for his services, outside of the city, such salary as shall be fixed by ordinance of the city. Salary.

§ 9. In case the mayor shall at any time be guilty of a palpable omission of duty or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Marion county, and, on conviction, he shall be fined not exceeding two hundred dollars; and the court shall have power, on recommendation of the jury, to add to the judgment of the court that he be removed from office. Indictment.

## ARTICLE VII—Of Proceedings in Special Cases.

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is taken; and if the amount of such compensation cannot be agreed on the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city. Taking private property.

§ 2. When the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened, or altered, shall petition therefor, the city council may open, widen or alter such street, avenue or alley, upon condition to be prescribed by ordinance; but no compensation shall in such case be made to those whose property shall be taken, their tenants or others, for the opening, widening or altering such street, lane, avenue or alley; nor shall there be any assessment of benefits or damages that may accrue thereby to any petitioners. Petition.

§ 3. All jurors impaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror. Jurors.

- Benefits and damages. § 4. In ascertaining the amount of compensation for property taken for opening or widening or altering any street, avenue, lane or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.
- To set aside inquest. § 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside and cause a new inquest to be made.
- Special tax. § 6. Upon a petition of two-thirds of the property holders, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving, grading or planking side-walks and lighting such streets, lane, avenue or alley: *Provided*, said tax shall not exceed in amount the actual cost of said side-walks lighting, respectively; which tax shall be collected in the same manner as other city taxes.
- Proviso.

#### ARTICLE VIII—Of *Miscellaneous Provisions*.

- Road labor. § 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able bodied male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay one dollar for each day so neglected and refused.
- Exemption. § 2. The inhabitants of the city of Centralia are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.
- Improvement. § 3. The city council shall have power to provide for the imprisonment of offenders in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines or forfeitures which may be recovered against them.
- Statement. § 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.
- Appeals. § 5. Appeals shall be allowed from decisions, in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit or county court, as the case may be, of said county of Marion; and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.



§ 6. Whenever the mayor shall absent himself from the city or resign or die or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor, *pro tem.*, until the office shall be filled by election, as herein provided. Absence.

§ 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without proof. Public act.

§ 8. All acts or parts of acts coming within the provisions of this charter or contrary to or inconsistent with its provisions are hereby repealed. Acts repealed.

§ 9. The city marshal or any other officer authorized to execute writs or any other process issued by any judicial officer in said city shall have power to execute the same anywhere within the limits of the county of Marion, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of Marion county, with power to serve processes, and do all acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law; he shall hold his office for one year, and shall give bond, as other constables are required by law to give; which bond shall be filed in the office of the county clerk. Marshal.

§ 10. The trustees named herein shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Centralia, and issue their proclamation for an election to be held in said town, at least ten days prior to the election of city officers; at which election the inhabitants residing within the territory described in the second section of the first article of this act, who are authorized to vote for state officers, shall vote "For the Charter" or "Against the Charter"; and if a majority of the votes given at such election shall be for the charter this act shall immediately take effect as a law, and the trustees shall proceed as directed in article four of this charter; but if a majority of the votes shall be against the charter then this act shall be of no effect. Duty of trustees.

§ 11. The members of the city council shall be, *ex officio*, fire wardens and conservators of the peace, within the city, and are hereby authorized and it is made their duty to arrest all persons who are violating or have violated any ordinance of the city or any law of the state, with or without process, and have them prosecuted therefor; and any person or persons who shall willfully interrupt or oppose them in the discharge of the requirements hereof shall be subject to the same penalties as though they had opposed or interrupted a marshal, sheriff or constable in the legal discharge of their duties. They shall, moreover, be exempt from jury duty. Fire wardens.

and street labor or the payment of street taxes during their term of office.

Police magis-  
trate.

§ 12. There shall be elected at the first election for city officers, and every four years thereafter, one police magistrate, who shall hold his office for the term of four years and until his successor shall be elected and qualified. The mayor of the city, *ex officio*, and the said police magistrate shall have, in their county, the same jurisdiction, power and emoluments as justices of the peace in this state, with this addition, that their jurisdiction shall extend to all cases where the plaintiff's demands shall not exceed the sum of two hundred and fifty dollars. The governor shall commission the said mayor and the said police magistrate; and each one shall execute and deliver to the city clerk, within twenty days after his election, a bond, to be approved by said clerk, with one or more good and sufficient securities, in the sum of not less than two thousand dollars, conditioned that he will justly and fairly account for and pay over all money that may come into his hands, under any judgment or otherwise, by virtue of his said office, and that he will well and truly perform all and every act and duty enjoined on him by this charter or the laws of this state, to the best of his skill and abilities. Said bond shall be made payable to the city council of the city of Centralia, for the use of the people of the state of Illinois, and be held for the security and benefit of all suitors and others who may be aggrieved or injured by the magisterial acts or misconduct of said police magistrate or of said mayor, while acting as police magistrate. Change of venue may, in all cases, be taken from one of the above police magistrates to the other, and the practice and usages of the same shall be as in the justices court.

License.

§ 13. No provision of this act shall be so construed as to authorize the sale of ardent spirits in a less quantity than now provided by law, unless licensed so to do by the city council.

§ 14. This act to take effect and be in force from and after its passage.

APPROVED February 18, 1859.

In force February 23, 1859. AN ACT to amend an act entitled "An act to incorporate the city of Chester," approved February 13, 1855.

Act amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act incorporating the city of Chester, approved February thirteenth, eighteen hundred and fifty-five, be and the same is hereby so amended as to authorize the city council of Chester to abolish the present system of street or road labor and

to levy a special tax, not to exceed one-fourth of one per centum, annually, on the assessed value of all the real estate in said city, and to apply the same to keeping in repair the streets and alleys of said city.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 23, 1859.

AN ACT to amend an act approved February 16, 1857, which was entitled "An act to amend the act entitled, 'an act to reduce the law incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same,'" approved February 14, 1851. In force February 19, 1859.

Whereas on the 16th day of February, 1857, the general assembly of the state of Illinois, passed "An act to amend the act entitled, 'an act to reduce the law incorporating the city of Chicago and the several acts amendatory thereof, in one act, and to amend the same,'" approved February 14th, 1851; and whereas in said act, under the head of "Public Parks," the judge of the Cook county court of common pleas was directed and requested to appoint three discreet and disinterested freeholders of said city, as commissioners of estimate and assessment, to lay out a public park in the South Division of said city; and whereas the authority to lay out a public park was immature and not demanded by the interests of the people in the South Division of said city; now therefore,

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of said act, aforesaid, which concerns public parks and which authorizes the appointment of commissioners and the laying out a public park in the South Division of the city of Chicago, be and the same is hereby repealed. Preamble.  
Provision to be repealed.

This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.



In force Feb'y  
18, 1859.

AN ACT to incorporate Dallas City

CHAPTER I.—Of *Boundaries and General Powers.*

Name.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That the inhabitants of the town of Dallas City, in the counties of Henderson and Hancock and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "Dallas City," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.
Limits.	§ 2. All that district of country embraced within the following limits, to wit: one mile in each direction from the point where the east line of fractional lot numbr one (1), in block number ten (10), in said Dallas City, crosses the county line of Henderson and Hancock counties, or two miles square, shall constitute Dallas City.
Commissioners	§ 3. The following named persons, to wit: Wm. H. Rollasson, Richard W. Brewer, Theodore Rea, John Gibbs, James Gassaway, John M. Finch, Daniel G. Baldwin and B. F. Nelson, or a majority of them, shall meet at the post office in said town on the first Monday of May next, or as soon thereafter as they shall deem expedient, and divide said Dallas City into two or more wards, particularly describing the boundaries of each ward; appoint three judges of election in each ward, to act in all cases until their successors shall be appointed as hereinafter mentioned; fix the time and places of holding said election in each ward, until the city council shall be elected; give at least ten days' notice in the customary manner of the time and places of holding said election, and make a full report of the same to the city council at their first meeting after said election.
Additions.	§ 4. Whenever any tract of land adjoining shall have been laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form part of Dallas City.
Powers.	§ 5. The inhabitants of the said Dallas City, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, to defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase and receive and hold property, both real and personal, beyond the city, for burial grounds or other public purposes for the use of the inhabitants of said Dallas City; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and do all other things in relation thereto as natural persons.

ARTICLE II.—*Of City Council.*

§ 1. There shall be a city council, to consist of a mayor City council. and board of aldermen.

§ 2. The board of aldermen shall consist of two mem- Aldermen. bers from each ward, to be chosen by the qualified voters, for two years.

§ 3. No person shall be an alderman, unless at the time Eligibility. of his election he is a freeholder of the city, and shall have resided six months within the limits of the same, and is at the time of his election twenty-one years of age and a citizen of the state.

§ 4. If any alderman, after his election, shall remove Removal. from the ward for which he was elected, his office shall be hereby declared vacant.

§ 5. At the first meeting of the city council the alder- Classes. men shall be divided, by lots, into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that half of the board shall be elected annually.

§ 6. The city council shall judge of qualifications, elec- Qualifications. tions and returns of their own members, and shall determine all contested elections.

§ 7. A majority of the city council shall constitute a Quorum. quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 8. The city council shall have power to determine the Rules. rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceed- Journal. ings, and from time to time publish the same, and the yeas and nays when demanded by a member present, shall be entered on the journal. It shall be the duty of the city council to record the report mentioned in section three (3), article one (1), in said journal, and said record thereof shall be *prima facie* evidence of the truth of the matters therein stated.

§ 10. No alderman shall be appointed to any office under Appointment. the authority of the city which shall have been created or the emoluments of which shall have been increased during the time for which he may have been elected.

§ 11. All vacancies that may occur in the board of alder- Vacancies. men shall be filled by election.

§ 12. The mayor and each alderman, before entering Oath. upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly

perform the duties of their office to the best of their skill and ability.

Tie. § 13. Whenever there shall be a tie in the election aldermen, the judges of election shall certify the same to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance.

Meetings. § 14. There shall be four stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

### ARTICLE III.—*Of the Chief Executive Officer.*

Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified.

Eligibility. § 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city one year next preceeding his election, or shall have attained the age of twenty-five years, or who shall not at the time of his election be a citizen of the United States and a freeholder of the city.

Removal. § 3. If any mayor, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, who shall be mayor.

Contest. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

Vacancy. § 6. Whenever a vacancy shall happen in the office of mayor, it shall be filled by election.

### ARTICLE IV.—*Of Elections.*

Election. § 1. On the first Monday of May, A. D. 1860, and on the first Monday of May forever thereafter, an election shall be held in each ward of said city for one mayor of said city and one alderman for each ward. The first election for mayor and aldermen shall be held pursuant to notice provided for in section three (3), article one (1).

Voters. § 2. All free white male inhabitants over the age of twenty-one, who are entitled to vote for state officers and who shall have been an actual resident of said city sixty days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside and in no other, and that no votes shall be received at any of said elections unless the person offer-



ing such vote shall have been an actual resident of the ward where the same is offered at least ten days next preceding such election.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum of the assessment value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of this state and of the United States. Taxes.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, collector and all such other officers as they shall deem necessary. Officers.

§ 3. The city council shall have power to require of all officers appointed or elected under this charter to give bonds, with penalty and security, for the faithful performance of their respective duties, in such sums as may be deemed expedient, and also to require all officers of said city to take an oath for the faithful performance of their respective offices, before entering upon the discharge of the same. Bonds.

§ 4. The city council shall have power to build and keep in repair school houses, to establish, support and maintain common schools, to borrow money on the credit of the city, by and with the consent of a majority of the resident freeholders thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the limits of the city. Powers. Proviso.

§ 5. To appropriate money and provide for the payment of the debt and expenses of the city. Appropriations

§ 6. To make regulations to prevent the introduction of contagious diseases into or within three miles of the city. Diseases.

§ 7. To establish hospitals and make regulations for the government of the same. Hospitals.

§ 8. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same. Health.

§ 9. To provide the city with water, to erect hydrants and pumps for the convenience of the inhabitants. Water.

§ 10. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair the streets, avenues, lanes and alleys. Streets.

§ 11. To establish, erect and keep in repair bridges. Bridges.

§ 12. To divide the city into wards, alter the boundaries thereof, and erect additional wards, when deemed necessary. Wards.

§ 13. To provide for lighting the streets. Light.

- Watches. § 14. To establish, support and regulate night watches.
- Markets. § 15. To erect market houses, establish markets, and provide for the government and regulation thereof.
- Buildings. § 16. To provide for the erection of all needful buildings for the use of the city.
- § 17. To provide for inclosing, improving and regulating all public grounds belonging to the city.
- License. § 18. To license, tax and regulate auctioneers, merchants, retailers, hawkers, peddlers, brokers, pawnbrokers, money changers.
- § 19. To license hacks, carriages, wagons, carts and drays, tax and regulate and fix the rates to be charged for services.
- § 20. To license and regulate porters.
- § 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.
- § 22. To license, tax, restrain, prohibit and suppress tippling houses, dram shops and gambling houses, bawdy and other disorderly houses.
- § 23. To provide for the prevention and extinguishment of fires, and to organize fire companies.
- Chimneys. § 24. To regulate the fixing of chimneys, fix the flues thereof.
- Combustibles. § 25. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- Walls and fences. § 26. To regulate and order parapet walls and partition fences.
- Weights and measures. § 27. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.
- Inspection. § 28. To provide for the inspection and measurement of lumber and other building material, and for the measuring of all kinds of mechanical work.
- § 29. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood and other fuel, to be sold or used in the city.
- § 30. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, whisky and other liquors.
- § 31. To provide for the inspection of butter, lard and other provisions.
- Bread. § 32. To regulate weight, quality and price of bread to be sold or used in the city.
- Privies. § 33. To provide for the inspection and regulation of privies.
- Census. § 34. To provide for the taking of the census of the city.
- Removal from office. § 35. To regulate the election of city officers and provide for the removal from office any person holding an office created by ordinance.
- Compensation. § 36. To fix the compensation of city officers and regu-

late the fees of jurors, witnesses and others, for services under this act or any ordinance.

§ 37. To regulate the police of the city, to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties. Police.

§ 38. To license, tax, restrain and suppress ten-pin alleys, billiard tables and ball alleys. Billiard tables.

§ 39. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state. Ordinances.

§ 40. The style of the ordinances of this city shall be, *"Be it ordained by the City Council of Dallas City."* Style.

§ 41. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in a newspaper in Hancock or Henderson county, or posted up in three public places in said city, and shall not be in force until they shall have been so published. Publication.

§ 42. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, shall be received in evidence in all courts and places, without further proof. Proof.

§ 43. The city council shall have power to erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and wharf boats, and the rates of wharfage thereat; also, to establish ferries, license and regulate the same, within the corporation. Wharves.

## ARTICLE VI—*Of the Mayor.*

§ 1. The mayor shall preside at all the meetings of the city council, and shall have a casting vote and no other. In case of nonattendance of the mayor at any meeting the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting. Tie.

§ 2. The mayor or any two aldermen, may call a special meeting of the city council. Special meetings.

§ 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city and cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the board of aldermen such information and recommend all such measures as, in his opinion, may tend to the improvement of the finances, police, health, security, comfort and ornament of the said city. Duties of the mayor.



- Aid. § 4. He is hereby authorized to call on any male inhabitant of said city, over eighteen years of age, to aid in enforcing the laws and ordinances; and, in case of riot, to call out the militia, to aid in suppressing the same or carry into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding ten dollars.
- Exhibit. § 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibit of his book and papers.
- § 6. He shall have all other power and authority as conferred upon the mayor of the city of Quincy by laws of incorporation and their amendments.
- Salary. 7. He shall receive for his services such salary as shall be fixed by ordinance of the city.
- Indictment. § 8. In case the mayor, at any time, be guilty of a palpable omission of duty or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Hancock or Henderson county, and, on conviction, he shall be fined not more than two hundred dollars; and the court shall have power, on the recommendation of the jury, to remove him from office.

#### ARTICLE VII—*Of Proceedings in Special Cases.*

- Opening of any streets. § 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a full and just compensation to the person whose property shall be taken; and, if such compensation cannot be agreed on, the mayor shall cause the same to [be] ascertained by a jury of six disinterested freeholders. Nothing herein contained shall be so construed as to give the city council power or authority to open any street, alley or avenue through lands lying within the corporate limits of said city until such lands shall have been surveyed and layed off in town lots.
- Petition. § 2. When the owners of all the property on a street, lane, avenue or alley proposed to be opened, widened or altered shall petition therefor the city council may alter, widen or open such street, lane, avenue or alley, upon condition, to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.
- Inquest. § 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of the property proposed to be taken for opening, widening or

altering any street, lane, avenue or alley shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

§ 4. In assessing the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley the jury shall take into consideration the benefit as well as injury resulting from such action. Benefits and damages.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside and cause a new inquiry to be made. Mayor may set aside inquest.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley, or any part or parts of same, according to their respective fronts, owned by them; for the purpose of paving and grading side-walks and lighting said lane, street, avenue or alley. Special tax.

### ARTICLE VIII—*Miscellaneous Provisions.*

§ 1. The inhabitants of the said city are hereby exempt from working on any road beyond the limits of the city. Exemption.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over the age of twenty-one years, to labor on said streets, lanes, avenues and alleys not exceeding five days in each and every year; and any person failing or refusing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused. Street labor.

§ 3. The city council shall [have] power to provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them. Imprisonment.

§ 4. The city council shall have power to publish, annually, a full and complete statement of all the moneys received and expended by the corporation during the preceding year, and on what account received and expended. Statement.

§ 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of "Dallas City." Suits.

§ 6. Whenever the mayor shall resign, die or absent himself from the city his office shall be considered vacated, and the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*. Vacancy.

Public act.

§ 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without further proof.

Repeal.

§ 8. All acts or parts of acts coming within the provisions of this charter, that are contrary thereto or inconsistent with its provisions, are hereby repealed.

Police magistrates.

§ 9. All that part of said city lying in the county of Henderson shall constitute a police magistrate's precinct, and the legal voters residing therein shall, at the first election of officers under this charter, elect one police magistrate; and all that part of said city lying in the county of Hancock shall constitute a police magistrate's precinct, and the legal voters residing in such precinct shall, at said first election, elect one police magistrate. Said police magistrates shall hold their offices for the term of four years and until their successors shall have been elected, qualified and commissioned as other police magistrates, and shall, respectively, have jurisdiction of all offences committed in that part of said city situated in his county, whether for offences arising from breach of ordinance or any law of this state; and, also, respectively, the same jurisdiction as other justices of the peace.

Eligibility.

§ 10. No person shall be eligible to the office of police magistrate unless at the time of his election he is a citizen of this state, and shall have resided in his precinct six months next preceding his election; and in case of death, resignation or removal from the said precinct for which he was elected his office is hereby declared vacated.

Marshal.

§ 11. The marshal of said city shall be elected by the qualified voters of said city and shall hold his office for one year and until his successor shall have been elected and qualified; he shall be a resident of the city, and, by virtue of his office, shall be a constable of the county in which he shall reside, and, as such, shall execute bond to the city council as other constables do and subscribe to like oath of office.

Power to execute process.

§ 12. The marshal of said city shall have power to execute any process issued by either magistrate of said city or any other justice of the peace residing within said city, at any point within said city; but if executed out of the county of the magistrate issuing the same shall state such fact in his return: *Provided*, that property shall not be taken in execution out of the county of the said magistrate or court issuing the same unless found within the corporation.

Fines.

§ 13. All fines, forfeitures and penalties collected by any justice of the peace, magistrate, constable or marshal, for breaches of ordinances of said city, shall be by them paid into the city treasury.

Addition.

§ 14. All property, both real, and personal, within the limits of said corporation, shall be exempt from county taxes: *Provided*, the said city shall maintain and support



its own poor, so as to not make the county chargeable with the same.

§ 15. No part of this act shall be so construed as to grant the city council power or authority to open an alley through the east half of block eight (8,) for ten years, without owners consent. Reservation.

§ 16. This act to be in force and take effect from and after its passage.

APPROVED February 18, 1859.

AN ACT to incorporate the city of Dixon.

In force February 19, 1859.

### ARTICLE I.—*Of Boundaries and General Powers.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Dixon, in the county of Lee, embraced within the following limits, to wit: the northwest quarter and the north half of the southwest quarter of section number (4) four, all of section number (5) five; so much of section number (6) six as lies south of the middle of Rock river; all being in township (21) twenty-one; also, all of section number (32) thirty-two, the west half of the northwest quarter, the west half of the southwest quarter of section number (33) thirty-three, and so much of the east half of the southwest quarter of section number (33) thirty-three as lies south of the centre of Rock river; all in township number (22) twenty-two north, and range number (9) nine east of the (4th) fourth principal meridian, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Dixon;" and by that name shall have perpetual succession, and power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city, and to purchase, receive and hold property beyond the city limits, for burial grounds and for other purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, and do all other things in relation thereto as natural persons; and may have and use a common seal, which they may change and alter at pleasure. Limits.

§ 2. Any tract of land adjoining the city of Dixon, laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of said city; and all parcels of land within the aforesaid limits and boundaries, that exceed in extent ten acres, shall be exempted from Additions.

taxation for city revenue until the same shall be subdivided into lots of ten acres or less; and each lot, when so divided, shall be taxed as other city lots.

Wards.

§ 3. Until the city council shall otherwise ordain, the said city shall be divided into four wards, as follows, to wit: all that part of said city lying south of the middle of Rock river and east of the east line of Hennepin street, shall constitute the first ward; all that part of the city lying south of the middle of Rock river and between the east line of Hennepin street and the main track of the Illinois Central Railroad, shall constitute the second ward; all that part of the city lying south of the middle of Rock river and west of the Illinois Central Railroad, shall constitute the third ward; all that part of the city lying north of the middle of Rock river, shall constitute the fourth ward.

## ARTICLE II.—*Of the City Council.*

Council.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

Aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters therein, for two years.

Eligibility.

§ 3. No person shall be eligible to the office of alderman, unless, at the time of his election, he shall reside in the ward for which he is elected, and shall have resided at least two years within the limits of the city, and shall be, at the time of his election, twenty-five years of age and a citizen of the United States.

Removal.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby become vacant.

Classes.

§ 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes in each ward; the seats of those of the first class shall be vacated at the expiration of one year, and of the second class at the expiration of two years from their election; so that one-half of the board shall be elected annually.

Qualification.

§ 6. The city council shall judge of the qualifications, election and returns of its own members, and shall determine all contested elections under this act.

Quorum.

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Rules.

§ 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member present, shall be taken and entered upon the journal. Journal.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased, during the term for which he shall have been elected.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

§ 12. The mayor and each alderman, before entering upon the duties of his office, shall take and subscribe an oath before some proper officer authorized to administer the same, that he will support the constitution of the United States, the constitution of the state of Illinois, and that he will faithfully perform the duties of his office to the best of his ability. Oath.

§ 13. Whenever there shall be a tie in the election of an alderman, a new election shall be ordered forthwith. Tie.

§ 14. There shall be twelve monthly stated meetings of said council in each year, to be held at such times and places as may be prescribed by ordinance. Meetings.

### ARTICLE III.—*Of the Mayor.*

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year and until his successor is elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall not be eligible to the office of alderman. Eligibility.

§ 3. If any mayor, during the time for which he shall have been elected, shall remove from the limits of the city, his office shall thereby become vacant. Removal.

§ 4. Whenever there shall be a tie in the election of mayor, a new election shall be ordered forthwith. Tie.

§ 5. Whenever the election of mayor shall be contested the city council shall determine the same as may be prescribed by ordinance. Contest.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by an election. Vacancy.

### ARTICLE IV.—*Of Elections.*

§ 1. On the first Monday of March next, an election shall be held in each ward of said city for one mayor, one marshal and one police justice for the city; also two aldermen for each ward of the city; and forever thereafter, on the first Monday of March in each year, there shall be an election held in each ward in the city for a mayor, marshal, and an alderman for each ward; and on the first Monday of



March of every fourth year, there shall be an election for one police justice for said city.

Voters.

§ 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of the city for three months next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in the ward in which they shall respectively reside, and in no other.

Challenge.

§ 3. If the right of any person to vote at any election shall be challenged, either one of the judges of election may administer an oath to such person to make true answers touching his qualifications.

Returns.

§ 4. The judges of election shall make returns of the election to the city council within forty-eight hours after the canvass of the votes shall be completed.

Manner.

§ 5. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping the poll list, canvassing the votes and certifying the returns, shall be the same, as nearly as may be, as is now or hereafter may be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and fix the places of holding the same in each ward, and to appoint the judges thereof. The voting shall be by ballot, and the judges and clerks of election shall take the same oath and shall possess the same power and authority as the judges and clerks of general state elections. After the closing of the polls the ballots shall be counted, in the manner required by law, and the returns shall be returned sealed to the city clerk within two days after the election; and thereupon the city council shall read and canvass the same, and declare the result of the election. The person having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of either their election or appointment, and unless such persons shall respectively qualify within ten days thereafter, the office shall become vacant.

Ballot.

Notice.

Exemption  
from arrest.

§ 6. No person entitled to vote to any election held under this act shall be arrested on civil process within said city upon the day on which said election is held, and all persons illegally voting at any election under this act shall be punishable under the laws of this state.

Vacancy.

§ 7. Whenever there shall be more than one vacancy in the office of alderman of any ward to be filled at any general or special election in such ward, the candidate having the highest number of votes for such office, shall be declared elected for the longest term, and the candidate having the next highest number of votes for the shortest term; and in case of a tie between the two highest, the terms of service to which the successful candidates shall be respec-

tively entitled shall be determined by the casting of lots in the presence of the council. If, from any cause, there shall not be a quorum of aldermen in office, the clerk shall appoint the time and place of holding a special election to supply all vacancies in the board, and to appoint judges thereof, if necessary.

§ 8. No person shall be eligible to any office, either by election or appointment, under this act, who is a defaulter to said city; and if any person holding any office or place shall become a defaulter while in office, the office or place shall thereupon become vacant. Defaulters.

§ 9. No election shall be held in any grocery, grog shop or other place where intoxicating liquors are sold or kept for sale by retail. Place of holding elections

#### ARTICLE V.—*Of the Powers of the City Council.*

§ 1. The city council shall have power and authority to levy and collect a tax, not exceeding one fourth of one per cent. annually, for all revenue purposes. All taxes for revenue shall be levied upon and according to the assessed value of the property, real and personal, included in said corporation, as assessed by the township assessor of the town of Dixon for each year respectively. Tax.

§ 2. The said city council shall have power, and it shall be their duty, before the first day of September of each year, to determine by ordinance the rate per cent. upon the assessed value of the property assessed by said town assessor within the limits of said corporation for which a tax shall be levied for the current year. A copy of said ordinance, together with an alphabetical list of the resident tax payers of the city, shall be filed with the county clerk of the county of Lee, whose duty it shall be to extend such tax upon the books of the collector for the town of Dixon, in a separate column, to be provided for that purpose, in the same manner that he is now required to carry out and extend the district school tax, against the name of each tax payer, whether resident or non-resident, owning property in said city. And said city tax shall be collected in every respect, and the collection thereof be enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Every court in Lee county shall have the same power to render judgment against lands and lots within said city, for taxes due said city for city purposes, as for the time being it may have to render judgment for county and state taxes, and such judgment shall have the like force and effect as if rendered for delinquent county or state taxes. For his services in carrying out, adding and extending said tax in the books of the collector, Rate of taxation.

said county clerk shall receive one half cent for each lot or tract and one half cent on each persons name assessed for personal property, to be paid out of said city tax when collected. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable on his official bond for the payment of all such city tax by him collected. The fees of the collector to be paid out of the taxes when collected.

Officers.

§ 3. The city council shall have power to appoint a clerk, treasurer, attorney and one or more street commissioners, surveyor and all such other officers as said city council may deem necessary to perform the duties required to be performed under this charter and under the ordinances of the city, and to prescribe by ordinance their powers and duties; all of which said officers shall hold their office for one year and until their successors are appointed: *Provided*, that by a vote of two-thirds of city council elected, any of the officers mentioned in this section may be removed from office at any time before his term of office shall have expired.

Bonds.

§ 4. The city council shall have power to require of all or any officers appointed in pursuance of this charter, such bonds to the city of Dixon, with penalty and security to be approved by the mayor and a majority of the aldermen, for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid, before entering upon the duties of their respective offices, to take an oath for the faithful performance of their duties. The city council shall have power:

Appropriations

*First.*—To appropriate money and provide for the payment of the debts and expenses of the city.

Diseases.

*Second.*—To make regulations to prevent the introduction of contagious diseases into the city, and for that purpose to make quarantine laws, and enforce the same within five miles of the city limits.

Hospital.

*Third.*—To establish a hospital and make regulations for the government of the same.

Health.

*Fourth.*—To make regulations to secure the general health of the inhabitants, to declare what shall constitute a nuisance, and to make provisions for the prevention and removal of the same.

Water

*Fifth.*—To provide the city with water, to erect hydrants and pumps in the streets, to build cisterns and reservoirs, and dig wells in the alleys or public squares of the city for the supply of engines and buckets.

Streets.

*Sixth.*—To open, alter, abolish, close, widen, extend, establish, grade, pave or otherwise improve and repair streets, avenues, lanes, side-walks, cross-walks, drains and sewers, and for the purpose of repairing the streets, alleys, cross-walks, drains and sewers, they shall have power to levy an-



nually a road labor tax of not more than three days nor less than one day, against every able bodied male inhabitant of said city, over the age of twenty-one years and under fifty years of age, to be collected and expended in such manner as they shall determine and direct: *Provided, always*, that the person assessed shall have the right, if he shall so elect, to work out his own tax on the streets, avenues and alleys in the city, under the direction of the street commissioner; all to be expended in the ward in which the inhabitant shall reside.

*Seventh.*—To establish, erect and keep in repair bridges. Bridges

*Eighth.*—To divide the city into wards, alter the boundaries and erect additional wards, as occasion may require. Wards.

*Ninth.*—To provide for lighting the streets and erecting lamp posts. Light.

*Tenth.*—To establish, regulate and support night watches. Night watches.

*Eleventh.*—To erect market houses, to establish markets and market places, and provide for the government and regulation thereof, and to regulate, license, prohibit butchers, and revoke their licences for malconduct in the course of trade. Markets.

*Twelfth.*—To provide for all needful buildings for the use of the city. Public buildings.

*Thirteenth.*—To provide for the inclosing, improving and regulating all public grounds and cemeteries belonging to the city, and to regulate the burial of the dead. Public grounds

*Fourteenth.*—To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers. License.

*Fifteenth.*—To license, tax and regulate hacks, omnibusses, carriages, wagons, carts and drays, and to fix the rates to be charged for the carriage of persons and cartage and drayage of property.

*Sixteenth.*—To license and regulate porters and the rates of portorage.

*Seventeenth.*—To license, regulate and tax theatrical and other exhibitions, shows of all descriptions, and amusements.

*Eighteenth.*—To restrain, prohibit and suppress tippling houses, houses of ill fame, bawdy and other disorderly houses, and the selling or giving away of any intoxicating or malt liquors by any person within the city.

*Nineteenth.*—To license, regulate and tax the selling of intoxicating and malt liquors within the city for one year, for which license the said council shall fix the sum to be paid; the same to be not less than three hundred dollars for spirituous and malt liquors, nor less than one hundred dollars for malt liquors: *Provided*, that the city council may grant permits for the sale of liquor by druggists, for medical, mechanical, sacramental and chemical purposes only, under such restrictions as may be provided by ordinance:

*Provided, always,* that no such license shall be granted by said council in any year, unless at the annual meeting for the election of officers for that year a majority of the legal voters voting at such election shall decide to have licenses granted, which decision shall be determined as follows: A ballot-box shall be provided in each ward, and labelled "License" or "No License," and the voters shall express their desire by depositing in such ballot-box their ballots, with the words "License" or "No License," returns of which shall be made by the judges of election to the city council, at the same time as returns of the election of officers of said city; and if a majority of the votes cast on the question shall be for license, then the council shall grant licenses, as provided in this section; but if a majority of the voters are against license, then the city council shall grant no licenses during that year, for the sale of intoxicating or malt liquors, and shall declare all unlicensed vending of said liquors a nuisance, and shall suppress the same.

**Fires.** *Twentieth.*—To provide for the prevention and extinguishment of fires; to organize and establish fire companies, and to regulate or prohibit the erection of wooden buildings in any part or parts of the city, within certain limits, to be fixed by ordinance.

**Chimneys.** *Twenty-first.*—To regulate the making of chimneys and flues and the securing of stovepipes in the city.

**Combustibles.** *Twenty-second.*—To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.

**Walls and fences.** *Twenty-third.*—To regulate and order parapet walls and partition fences, and to restrain cattle, horses, hogs, sheep and dogs from running at large.

**Weights and measures.** *Twenty-fourth.*—To enforce the legal standard of weights and measures in all cases, and to enforce the collection of fines for non-compliance with the ordinances of said city in all cases whatsoever.

**Inspection.** *Twenty-fifth.*—To regulate and provide for the inspection and measuring of lumber and building materials, and for the measuring of all kinds of mechanical work.

*Twenty-sixth.*—To provide for the inspection and weighing of hay and stonecoal, the measuring of charcoal, firewood and other fuel to be used or sold within the city.

**Forestalling and regrating.** *Twenty-seventh.*—To prevent, restrain and punish forestalling, regrating, and regulate and provide for the inspection of flour, meal, pork, beef, butter and other provisions; also whisky and other liquors in barrels and other casks.

**Bread.** *Twenty-eighth.*—To regulate the weight and quality of bread to be sold and used in the city.

**Brick.** *Twenty-ninth.*—To regulate the size of brick to be sold or used in the city.

**Census.** *Thirtieth.*—To provide for the taking enumerations of the inhabitants of the city.

*Thirty-first.*—To regulate the election of city officers, and Elections.  
fix the compensation, by fees, commissions or otherwise, of Fees.  
all city officers; regulate the fees of jurors, witnesses and  
others, for services rendered under this act, or any ordinance  
made in pursuance hereof: *Provided*, that the city council  
shall serve without compensation.

*Thirty-second.*—To organize and regulate the police of the Police.  
city, to impose fines, forfeitures and penalties for the breach  
of any ordinance, and to provide for the recovery and ap-  
propriation of such fines and forfeitures, and the enforce-  
ment of such penalties; and all moneys collected under and  
by authority of any city ordinance shall be deemed and  
taken to belong to said city, and disposed of by said city  
council, under the ordinances of said city, for the use and  
benefit of the inhabitants thereof.

*Thirty-third.*—To restrain, prohibit and suppress billiard Gaming.  
tables, bowling alleys and all devices for gaming, and to  
regulate the speed at which horses or other animals may be  
driven or rode within the city.

*Thirty-fourth.*—To regulate the speed with which steam Speed of cars  
engines and cars may be driven within the city.

*Thirty-fifth.*—To authorize the construction of mills and Mills.  
mill races and feeders on and through the river streets, at  
such places and under such restrictions as they shall think  
proper.

*Thirty-sixth.*—To make all ordinances which shall be Ordinances  
necessary and proper to carry into execution the powers spe-  
cified in this act, so that such ordinances be not repugnant  
to nor inconsistent with the constitution of the United  
States or of this state.

§ 5. The style of ordinances shall be, "Be it ordained Style.  
by the City Council of the City of Dixon."

§ 6. All ordinances passed by the city council shall, Publication.  
within one month after they shall have been passed, be  
published in some newspaper in the city, and shall not be  
in force until five days after they shall have been published  
as aforesaid.

§ 7. All ordinances of the city may be proven by the Proof.  
seal of the corporation, and when printed in book or pam-  
phlet form, and purporting to be published by authority of  
the corporation, shall be received in evidence in all courts  
and places, without further proof.

§ 8. The city council shall have power to require of all Railroads.  
railroad companies that own or shall own any railroad with-  
in the limits of the city, to construct and erect good and suf-  
ficient crossings, at such times and places, on such roads, as  
may be directed by said council.

§ 9. The city council shall have sole power to establish Ferries.  
ferries, license and regulate the same, within the limits of  
the city.



ARTICLE VI—*Of the Executive Power.*

The.

§ 1. The mayor shall preside at all meetings of the city council, and in case of a tie, and no other, shall have a casting vote. In case of the nonattendance of the mayor at any meeting the board of aldermen shall appoint one of their own members chairman, who shall preside at that meeting, but who shall not thereby lose his right to vote upon any question before the board.

Special meetings.

§ 2. The mayor or any three aldermen may call special meetings of the city council.

Duty of mayor,

§ 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city, he shall inspect the conduct of all subordinate officers of the city, shall cause negligence or violation of duty to be prosecuted and punished, he shall from time to time communicate to the board of aldermen such information and recommend such measures, as in his opinion may tend to the improvement of the finances, the health, security, comfort and ornament of the city.

Aid.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of a riot, to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fire, securing the peace and safety of the city, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five nor more than twenty-five dollars.

Exhibit.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Jurisdiction.

§ 7. He shall also have such jurisdiction as may be vested in him by an ordinance of the city, in and over all places within five miles of the limits of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Indictment.

§ 8. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in discharge of the duties of his office, he shall be liable to indictment in the circuit court of Lee county, and, on conviction, shall be fined in a sum not exceeding two hundred dollars, and the court shall have power, on a recommendation of the jury, to add to the judgment of the court that he be removed from his office.

Compensation.

§ 9. The mayor shall receive such compensation for his services as shall be provided by ordinance.

§ 10. All ordinances and resolutions shall, before they <sup>Veto.</sup> take effect, be placed in the office of the city clerk, and if the mayor approves thereof he shall sign the same, and such as he shall not approve, he shall return to the city council at the next regular meeting thereof: *Provided*, such meeting shall be two days or more after the first passage of the same, otherwise to the next subsequent meeting of the city council, with his objections thereto: *Provided further*, that if the mayor shall not return the same, as above provided, he shall be deemed to have approved the same. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration, a majority of all the members elected to the city council shall agree, by ayes and nays, which shall be entered on record, to pass the same, it shall go into effect, notwithstanding the mayor may neglect or refuse to approve the same.

§ 11. The mayor shall, *ex-officio*, have power to administer any oath required to be taken by this act, or any law of this state, to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law, for all the purposes of record or evidence. <sup>Power to administer oaths</sup>

§ 12. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall assume his office, or the vacancy shall be filled by a new election. <sup>Vacancy.</sup>

## ARTICLE VII—Of Powers and Duties of other Officers.

§ 1. The clerk shall keep the corporate seal, and all papers and books belonging to the city; he shall attend all meetings of the city council, and keep a full record of their proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, or other records of his office, certified by him, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act. <sup>Clerk.</sup>

§ 2. It shall be the duty of the city attorney to perform all professional services incident to his office, and, when re- <sup>City attorney.</sup>

quired, to furnish written opinions upon subjects and questions submitted to him by the mayor, the city council, or any of its committees.

Treasurer.

§ 3. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by warrants signed by the mayor or presiding officer of the city council, and countersigned by the clerk. Such warrants shall be numbered to correspond with the [order] granting the same, and shall specify for what purposes the amounts named therein is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures for all purposes, after the date of the last annual report, and also the state of the treasury; which accounts shall be filed in the office of the clerk.

Marshal.

§ 4. The city marshal shall perform such duties as shall be prescribed by the city council, for the preservation of the public peace, the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law and under the statutes of this state, and receive like fees; he shall, before entering upon the duties of his office, execute a bond, such as the mayor and a majority of the aldermen shall approve, and file the same with the city clerk; he shall have power to appoint one or more deputies, who shall take the oath of office prescribed herein, and who shall possess all the power of and be entitled to like fees as the city marshal, subject, nevertheless, to removal at pleasure by the marshal or the city council, by a majority vote thereof: *Provided*, that the city marshal shall be responsible for all acts of his deputy or deputies, done under color of office.

Surveyor.

§ 5. The city surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits, and shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the city council shall direct and prescribe; he shall possess the same power in making surveys and plats within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of a county surveyor; he shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same; he shall perform all surveying and engineering ordered by the city council, shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates,



contracts, grades and boundaries, shall be reported to and approved by the city council before they shall be of validity.

§ 6. It shall be the duty of the street commissioner, Street commissioner. under the direction of the city council, to superintend the opening, grading and improving of streets and alleys, the construction and repairing of bridges, culverts, sewers, sidewalks and cross-walks, and of all public local improvements generally in their respective districts, and to carry into effect all orders of the city council in relation thereto. They shall keep accurate accounts of all receipts and expenditures by them made or received, and render monthly accounts thereof to the city council.

§ 7. The city council shall have power to impose other Other duties. duties upon all officers whose duties are herein prescribed, and prescribe the duties and powers of all officers appointed or elected to any office under this act, whose duties are not herein specially mentioned, and fix their compensation.

§ 8. If any person, having been an officer of said city, shall not within ten days after notification and request, deliver Deliver books and papers to successors. to his successor in office all property, books, papers and effects, of every description, in his possession, belonging to the city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver up the same, and such successor shall and may recover possession of the property, books, papers and effects appertaining to his office in the manner prescribed by the laws of this state.

§ 9. All officers elected or appointed under this act, (except aldermen and mayor,) shall be commissioned by warrant, Commissions. under the corporate seal, signed by the mayor or presiding officer of the city council, and by the city clerk.

§ 10. The mayor, aldermen, marshal and his deputies, Conservators of the peace. and watchmen, shall be conservators of the peace; and all officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city, commit for examination, and, if necessary, detain such persons in custody over night or the Sabbath, in the watch house or any other safe place, or until they can be brought before the police justice; and shall have and exercise such other powers as conservators of the peace, as the city council may prescribe.

#### ARTICLE VIII.—*Miscellaneous Provisions.*

§ 1. The city council shall have power to prescribe [provide] Imprisonment. for the punishment of offenders by imprisonment in the county jail, or city prison, if there be one, in all cases when such offenders might lawfully be imprisoned under the constitution of this state.

Annual state-  
ment.

§ 2. The city council shall cause to be published, annually, within one month of, and previous to, the election, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended by the corporation: said statement to be published in some newspaper printed in the city, if there is one, if not, then by posting the same in at least three of the most public places in the city, at least one week previous to the election.

Ordinance.

§ 3. All ordinances and resolutions passed by the president and board of trustees of the town of Dixon, shall remain in full force until the same shall have been repealed by the city council hereby created.

Place of elec-  
tions.

§ 4. The present board of trustees of the town of Dixon shall have power, and it is hereby made their duty, before the first of March next, to designate one place in each ward in the city as the place of holding the first election under this act, and appoint three judges of election for each ward, who shall be sworn faithfully to discharge the duties of their office, and shall preside at said first election, canvass the votes, and make returns thereof within three days thereafter to the clerk of the town board, whose duty it shall be to notify the persons elected of their election, within three days after the town board shall have determined who are elected, as provided in the next section.

§ 5. The president and board of trustees of the town of Dixon, shall hold a meeting on the twelfth day of March next, for the purpose of determining who is elected to each office under this act, and shall cause the officers elected to be notified of their election as herein provided.

Actions.

§ 6. All actions, fines, penalties and forfeitures, which have accrued or may accrue to the president and board of trustees of the town of Dixon, for the use of the inhabitants thereof, shall be, and they are hereby declared vested in the corporation hereby created, and no suit commenced by the president and board of trustees of said town shall abate by reason of the passage of this act, but may be prosecuted to effect, the same as if this act had never been passed, and in the name in which the same was originally commenced.

Appeals.

§ 7. Appeal shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Lee county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are now taken from and granted by justices of the peace to the circuit court, under the laws of this state.

Justices.

§ 8. Any and all justices of the peace residing within the corporate limits of the city, shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

§ 9. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof. Public act.

§ 10. The certificate of the city clerk, under the seal of the city, shall be conclusive evidence of the passage of all ordinances and by-laws, and of the legal publication thereof, to which it may be attached, in all courts and places. Certificates.

§ 11. All actions brought to recover any penalty or forfeiture, under this act, or any ordinance, by-law or police regulation, made in pursuance thereof, shall be brought in the corporate name of the city, and it shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act, or the date of the passage of the by-law or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 12. In prosecution for any violation of any ordinance, by-law or other regulation, the first process shall be by summons, unless oath or affirmation be made for a warrant as herein provided. Process.

§ 13. A warrant shall issue in all cases in favor of the city of Dixon, for a violation of any ordinance, by-law or other regulation, when any person shall make oath or affirmation that such a violation has been committed. Warrant

§ 14. The city of Dixon, hereby incorporated, shall assume all the liabilities of the corporate town of Dixon, and the city council shall provide for the payment of the same; and all warrants or orders drawn by the president and board of trustees of the town of Dixon, and all warrants drawn by order of the city council, shall be received in payment of all taxes levied by the city council of Dixon. Liabilities.

§ 15. Whereas, a question of title to the public square, upon which the court house is now located, in the town of Dixon, has been advanced by some of the citizens of the county of Lee, and that the exclusive right of said county to its occupation and use, as the county seat, has been questioned, now, therefore, in order to carry out, in good faith, the intention for which said grant was originally made, the city council are hereby authorized and empowered, on application of the board of supervisors of the county of Lee, to make, execute and deliver to said board of supervisors, a good and sufficient deed for said block or public square, so long as it shall be used exclusively for a court house square and county purposes, and the county seat of said county of Lee shall remain at Dixon. Public square.

§ 16. All laws incorporating the town of Dixon, or amendatory thereof, and all laws in conflict with this act, are hereby repealed. Repeal.

§ 17. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.



In force February 19, 1859. AN ACT to amend the act entitled "An act to incorporate the City of Galesburg," approved February 14, 1857.

Proviso repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the proviso, in paragraph thirteen, in section three, of article five, of the act entitled "An act to incorporate the city of Galesburg," approved 14th February, 1857, be and the same is hereby repealed, and the city council of said city shall have full power to license, tax, regulate or prohibit and suppress the several pursuits and business therein mentioned as though no such provision were therein contained.

Amendment.

§ 2. That article seven of said act be and the same is hereby amended, so that in all cases of estimating damages occasioned by the opening or laying out of public grounds or squares, streets, alleys or highways, or sections thereof, in said city of Galesburg, or for altering, widening, constructing, straightening or discontinuing the same, it shall be lawful to take into consideration the benefits resulting therefrom to the owner of any land taken or affected by such improvement, and instead of paying to him the value of the land taken for the improvement in money he shall be entitled only to the value of such land, after deducting therefrom the value of such improvement to him or his property remaining in the neighborhood.

APPROVED February 19, 1859.

In force February 18, 1859.

AN ACT to charter the city of Fulton.

## ARTICLE I—Of Boundaries and General Powers.

Body corporate and politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Fulton city, in the county of Whiteside, and state aforesaid, and of the additional territory embraced within the boundaries mentioned in the following section, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Fulton"; and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries.

§ 2. All that district of country embraced within the following limits, to wit: Commencing at the northeast corner of section thirty-three (33), in township twenty-two (22) north, range three (3) east of the fourth principal meridian; thence west by the north line of said section to the centre of the channel of the Mississippi river; thence up the centre of said channel to a point opposite the mouth of the "Cat-

tail Slough," so called; thence by the centre of said slough to the east line of section twenty-one (21); thence south to the point of beginning, and including, also, the whole of Lyman Blake's addition to the town aforesaid, as surveyed and platted.

§ 3. In case a majority of said inhabitants shall be in favor of incorporation, as hereinafter mentioned, the present board of trustees of the town of Fulton shall, on the third (3) Monday of March next, divide the said city of Fulton into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each; appoint three judges of elections in each ward, to act in all cases, until their successors shall be appointed as hereinafter mentioned; fix the times and places of each election, in each ward, until the city council shall be elected; give at least ten days' notice in a public newspaper, published in the city of Fulton, or by posting up written or printed notices in four public places within the boundaries of said corporation, of the time and place of holding said election, and make a full report of the same to the city council, when elected, at their first meeting, as required by law. Wards.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, both real and personal, in said city; to sell, lease and convey or dispose of property, and do all other things in relation thereto as natural persons. Powers.

## ARTICLE II—*Of the City Council.*

The qualifications, powers and duties of the city council shall be, in all respects, the same as are defined in article second of "An act to charter the city of Ottawa," approved February 10, 1853—all of the provisions of which article are hereby incorporated into and made part of this charter. Council.

## ARTICLE III—*Of the Chief Executive Officer.*

The qualifications, powers and duties of the chief executive officer shall be, in all respects, the same as are defined in article third of "An act to charter the city of Ottawa," approved February 10, 1853—all of the provisions of which article are hereby incorporated into and made part of this charter. Executive officer.

ARTICLE IV—*Of Elections.*

Election.

§ 1. On the first Monday of April next an election shall be held in each ward of said city for one mayor for the city and two aldermen for each ward, and forever thereafter, on the first Monday of April of each year, there shall be an election held for one mayor for the city and one alderman for each ward; the aldermen to be residents of the ward for which they are elected. The first election for mayor and aldermen shall be held pursuant to notice, to be given as provided in section three of article one, and returns thereof made by said judges of election to said mayor and aldermen so elected.

Voters.

§ 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other; and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered at least ten days next preceding such election.

Challenge.

§ 3. If the right of any person to vote at any election shall be challenged either one of the judges of election may administer an oath to such person to make true answers touching his qualifications as an elector, and examine him on the subject.

Returns.

§ 4. The judges of elections shall make returns of the elections to the city council, and the clerk of the city council shall forthwith forward an abstract, showing the number of votes received by each person for mayor, to the governor, and certify the same, under the seal of the city.

ARTICLE V—*Of the Legislative Powers of the City Council.*

Powers.

§ 1. The city council shall have, possess and exercise all the authority and powers specified and included in the first thirty-six sections, (sections 1 to 36, inclusive,) of article five of "An act to charter the city of Ottawa," approved February 10, 1853—all of the provisions of which sections are hereby incorporated into and made part of this charter.

Ordinances.

§ 2. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States nor of this state.

Style.

§ 3. The style of the ordinances of the city shall be, "*Be it ordained by the City Council of the City of Fulton.*"

Publication

§ 4. All ordinances passed by the city council shall, within ten days after they shall have been passed, be pub-



lished in some newspaper in the city, if there shall be one printed, or by posting the same in five public places, and shall not be in force, except as aforesaid, until they shall have been published or posted as aforesaid.

§ 5. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form and purporting to be published by authority of the corporation as in force, the same shall be received in evidence in all courts and places without further proof. Proof.

§ 6. To remove all obstructions from side-walks, and to provide for the construction and repair of all side-walks and curb-stones, and for the cleaning of the same and the gutters, at the expense of the owners of the grounds fronting thereon. Obstructions.

§ 7. To prevent the incumbering of the streets, lanes, squares and alleys of said city, by the standing of teams, drays, or other vehicles, or the erection or removal of buildings or the piling of lumber or other materials therein; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said city; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals for the violation of any ordinance in relation thereto. Incumbering streets.

§ 8. To erect and establish a bridewell or house of correction; pass all necessary ordinances for the regulation thereof, and appoint keepers and assistants. In the said bridewell shall be confined all vagrants, stragglers, idle and disorderly persons, and all persons sentenced by any court or magistrate in and for said city for any assault and battery, petit larceny or other misdemeanor, punishable by imprisonment in any county jail, shall be kept therein, subject to labor, and also persons detained for examination for criminal offences. Bridewell.

§ 9. The city council shall have power, by ordinance, to suppress, abate and restrain houses of ill fame or bawdy houses within the corporative bounds of said city, and to impose fines and penalties upon any person or persons for keeping, remaining at or found in the same. Disorderly houses.

## ARTICLE VI—*Of the Mayor.*

§ 1. The qualifications, powers and duties of the mayor shall be in all respects the same as are defined in article six of "An act to charter the city of Ottawa," approved February 10, 1853; all of the provisions of which article, with the exception of the tenth section of said article, are hereby incorporated into and made part of this charter. Mayor.

Veto.

§ 2. Every ordinance or resolution which shall have been passed by the city council shall, before they become a law, be presented to the mayor for his approval. If he approve he shall sign it; if not, he shall return it with his objections to the board; which objections shall be entered on the journal at large, and the bill reconsidered.

§ 3. If after such reconsideration, a majority of all the members elected to the board shall agree to pass the same, it shall become a law.

Yeas and nays.

§ 4. In all cases the vote shall be taken by yeas and nays and entered on the journal of the board.

§ 5. If any ordinance shall not be returned by the mayor to the city clerk within five days, Sundays excepted, after it shall have been presented to him for his approval, the same shall become a law, in the same manner as if he had approved and signed it.

Jurisdiction.

§ 6. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace, in all civil and criminal cases in the county of Whiteside, arising under the laws of this state, and shall receive the same fees and compensation for his services as are paid justices of the peace in all similar cases: *Provided*, that hereafter, in all cases, properly recognizable before the mayor of said city, as police magistrate, and the said mayor shall be absent or otherwise unable to attend to the same, the mayor of said city shall have power to designate some one of the justices of the peace of said city to discharge the office of mayor, in such cases, who, for the time being, shall exercise all judicial power of the said mayor.

Indictment.

§ 7. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Whiteside county, and on conviction, he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

## ARTICLE VII—*Assessments for Opening Streets and Alleys.*

The opening of streets.

§ 1. The city council shall have and exercise all the powers over public squares or grounds, streets, alleys, lanes and highways, and to make wharves and slips at the ends of streets which are conferred upon the city council of Ottawa, in article seven of "An act to charter the city of Ottawa," approved February 10, 1853, and all the sections of said article seven, from one to eighteen, inclusive, are hereby incorporated into and made part of this charter.

ARTICLE VIII—*Assessments for Public Improvements.*

§ 1. The city council shall have all the powers relative to public improvements and assessments therefor, as are set forth and defined in article eighth of "An act to charter the city of Ottawa," approved February 10, 1853. All of the sections of said article eighth are hereby incorporated into and made part of this charter. Public im-  
provements.

§ 2. Within three months after the adoption of this corporation the city council shall cause the east line of Base street, of the city of Fulton, within said corporation, to be surveyed, located and established; commencing at the corner stone of the present town of Fulton City, at the north-east corner of lot one (1), in block No. seven (7), in range ten (10), and to establish by proper monuments the corner of each block, bordering on the east line of said street; and shall in like manner and within the same time, survey and establish the south line of Ferry street in said town, and the corner of each block bordering on said street. Survey.

§ 3. Said survey shall be made by such competent surveyor as the said city council shall deem proper to select. The said survey, when made, shall be recorded in the recorder's office, in Whiteside county, Illinois, describing the breadth of each block, street and alley crossing said Base street, and the bearings thereof, together with all the particulars of said survey thus located, and shall make out and file with the city council a copy of said survey, which survey shall be evidence of the location of said streets, alleys and blocks, and a certified copy thereof from the records of the said county, by the keeper of said records, shall be received in all courts and places as evidence of the location of said streets, blocks and alleys. To be recorded

§ 4. Should any building now erected upon stone foundation in said town be found, upon the survey, as aforesaid, to encroach or project into any of the streets of said town, then the owner or proprietor of the same shall not be compelled to remove the same within twenty (20) years from the passage of this act; but all other buildings to be removed at any time on the order of the city council. The removal of  
buildings.

ARTICLE IX—*Taxation.*

§ 1. All real estate and personal property within the limits of the city of Fulton, Whiteside county, Illinois, shall be subject to taxation, and taxes may be levied and collected upon the same, for the use and benefit of said city, not exceeding one-half of one per cent. per annum upon the assessed value thereof. Taxation.

§ 2. The assessor shall assess all the real estate and personal property in said city, so far as practicable; he shall ascertain the name of all owners of taxable property and Assessment.



the amount of all taxable real estate and personal property, and for this purpose he shall call upon each taxable inhabitant in said city: *Provided*, that the annual tax upon any ferry franchise established at said city, assessed by the supervisors of the county, shall be paid over, when collected, to the city treasurer, and no other tax shall be imposed upon said franchise by the city.

Roll.

§ 3. The assessor shall prepare an assessment roll, with a caption, in substance as follows: "An assessment roll of all the real estate and personal property within the limits of the city of Fulton, Whiteside county, Illinois, made by the assessor of said city, for the year 18—;" and shall set down in separate columns, according to the best information in his possession—

*First.*—The names of all owners, if known, of all taxable real estate within the limits of said city. If the owner is unknown, it shall be so stated.

*Second.*—The description of all real estate opposite the name of the owner, or word "unknown," when the name of the owner cannot be ascertained.

*Third.*—The value of the real estate opposite the description.

*Fourth.*—The amount of tax assessed opposite to the value.

The said assessment roll shall also contain in parallel columns—

*First.*—The names of the owners of personal property, subject to taxation, in alphabetical order.

*Second.*—The assessed value of the personal property taxed to each individual.

*Third.*—The amount of tax on each individual's personal property.

Further proceedings.

§ 4. After the provisions of sections two and three of this article shall have been complied with, the same proceeding shall be had and observed in relation to such assessment and the collection thereof as are prescribed and set forth in the fourth, fifth, sixth, seventh, eighth and ninth sections of article 9 (nine,) of "An act to charter the city of Ottawa," approved February 10, 1853, which sections of said article are hereby incorporated into and made a part of this charter, as fully as if herein set forth at length.

Publication.

§ 5. Within twenty days after the return of said list provided for in said sections, the clerk shall cause the same to be published in a newspaper printed in said city, together with a notice, in substance as follows: "It appearing from the return of the collector that the taxes on the above described parcels of real estate remain unpaid, notice is hereby given that the said real estate will be exposed in separate parcels at public auction, on the — day of —, 18—, at 10 o'clock in the forenoon, at the —, in Fulton, and sold for the purpose of making said taxes,

and fifty cents for cost of selling each lot or parcel, in case of sale;" said day of sale shall be at least thirty days after the publication of said notice.

§ 6. The provisions of sections eleven, twelve, thirteen, fourteen, fifteen and sixteen of said article 9 (nine,) of said act entitled "An act to charter the city of Ottawa," approved February 10, 1853; and all the proceedings therein set forth, shall be pursued and observed in the sale of lands for taxes in said city of Fulton; and the said sections, (excepting that in section fourteen, the word "Ottawa," shall be changed to the word Fulton,) of said article 9 (nine,) are hereby incorporated into and made part of this charter, as fully as if herein set forth at length.

#### ARTICLE X—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Fulton are hereby exempt from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work on the same: *Provided, however,* that the city council may cause a portion of the labor upon roads by said inhabitants to be expended upon roads leading from said city and without the corporate limits, but within township twenty-two (22) north, range three (3) east of the fourth principal meridian, not exceeding one-half of such labor, and may also cause a portion of the road tax, not exceeding one-half, to be so expended during any year.

Exemption.

Proviso.

§ 2. The city council shall have power to require every male inhabitant in said city, over twenty-one years of age, to labor on the streets, lanes, avenues, alleys and other highways, to keep the same in repair, not exceeding three days in each year, and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each of said days.

Street labor.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them, and said city council may also provide that such offenders failing or refusing to pay such fines and forfeitures, instead of being committed to jail may be required to labor upon the streets until the whole fine and costs shall be paid, at the same rate per day as may be allowed, as a forfeiture, for a failure to perform street labor, under the direction of the street commissioner.

Imprisonment.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Statement.

- Ordinances. § 5. All ordinances and resolutions of the town of Fulton City shall remain in force until the same shall have been repealed by the city council hereby created.
- Suits. § 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Fulton.
- § 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Fulton City, shall be vested in and prosecuted by the corporation hereby created.
- Property. § 8. All property, real and personal, and all books and papers heretofore belonging to the president and trustees of the town of Fulton City, for the use of the inhabitants of said town, shall be and are hereby declared to be vested in the corporation hereby created.
- Rights. § 9. This charter shall not invalidate any act done by the president and trustees of the town of Fulton City, nor divest them of any rights which may have accrued to them prior to the passage of this act.
- Disqualification. § 10. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder of the city of Fulton, in any action or proceeding in which the said city is a party in interest.
- Publication. § 11. The president and trustees of the town of Fulton City shall, immediately after the passage of this act, take measures to promulgate this act within the limits of the city of Fulton.
- Appeals. § 12. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof to the circuit court of Whiteside county, except as hereinbefore excepted, and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.
- Vacancy. § 13. Whenever the mayor shall absent himself from the city or resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor, *pro tempore*.
- Public act. § 14. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without proof.
- Marshal. § 15. The city marshal, or any other officer authorized to execute writs or any other process issued by the mayor, shall have power to execute the same anywhere within the limits of the county of Whiteside, and shall be allowed the same fees for traveling as are allowed to constables in similar cases.
- Election. § 16. The present board of trustees of the town of Fulton City shall cause an election to be held in said town on



the third Monday of March next, at which the inhabitants residing within the territory described in the second section of article one of this act, who are authorized to vote for state officers, shall vote for or against the adoption of this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter, it shall immediately take effect as a law; but if a majority of the votes given shall be against the adoption of said charter, then this act to be of [no] effect.

§ 17. No provision of this act shall be so construed as to authorize the sale of ardent spirits in a less quantity than is now provided by law. License.

§ 18. The mayor and aldermen shall be entitled to such compensation for their services, in addition to that hereinbefore provided for the mayor, as the inhabitants of said city, at an election called for that purpose, shall vote to allow them, and no other or further compensation shall be allowed them. Compensation.

§ 19. No money shall be borrowed by the city council until the ordinance passed therefor shall be submitted to and voted for by a majority of the voters of said city attending an election held for that purpose. Borrow money.

§ 20. The city council may, at any time hereafter, provide by ordinance, for the future election by the inhabitants of said city, of such city officers as they may deem it advisable to have so elected. Elections.

§ 21. All fines and penalties, recoverable by indictment, or action for any offences committed within the limits of the city, and which are now required by law to be paid into the county treasury shall hereafter be paid into the city treasury for the use of said city. Fines.

§ 22. Deeds of sale of land for taxes heretofore made under the ordinances of the town of Fulton City, may be executed by the mayor of the city. Tax deeds.

§ 23. If the inhabitants of said territory described in section two of article one, shall not adopt this charter on the third Monday of March next, the board of trustees of the town of Fulton City may, at any time thereafter, cause an election to be held as hereinbefore provided for, and they shall have the same powers and perform the same duties as imposed upon them relative to said election upon said third Monday of March. Failure to adopt charter.

§ 24. All acts or parts of acts coming within the provisions of this charter or contrary to or inconsistent with its provisions are hereby repealed: *Provided, however*, that this act shall not be so construed as to annul or impair the existing rights of any corporation under any special charter heretofore granted by this state, nor to authorize the annexation of any territory or lands to said city without the consent of the owner or owners thereof. Repeal. Proviso.

§ 25. This act shall be in force from and after its approval.  
APPROVED February 14, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the city of Hamilton.

ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Hamilton, in the county of Hancock and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Hamilton," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. The corporate limits and jurisdiction of the city of Hamilton shall be all that tract of country situated in the county of Hancock and state of Illinois, embraced within the following boundaries, to wit: Beginning in the middle of the main channel of the Mississippi river, at a point due west of the northwest corner of the southeast quarter of section number nineteen (19), in township five north of the base line, of range eight west of the fourth principal meridian; thence east to the corner of said quarter section: thence east along the half section line through sections nineteen (19) and twenty (20), to the centre of section twenty-one (21), in said township; thence south on the half section line to the southeast corner of the southwest quarter of section thirty-three (33); thence west on the township line to the Mississippi river; thence due west to the middle of the main channel of the same; thence up said river, along the main channel thereof, to the place of beginning.

§ 3. The present board of trustees of the town of Hamilton shall, on or before the first day of March next, divide the said city of Hamilton into three wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Hamilton shall have been laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the city of Hamilton.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.—*Of the City Council.*

§ 1. There shall be a city council, to consist of a mayor Council.  
and board of aldermen.

§ 2. The board of aldermen shall consist of two mem- Aldermen.  
bers from each ward, to be chosen by the qualified voters  
for two years.

§ 3. No person shall be an alderman unless, at the time Eligibility.  
of his election, he shall have resided six months within the  
limits of the city, and shall be, at the time of his election,  
twenty-one years of age and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove Removal.  
from the ward for which he is elected, or cease to be a free-  
holder in said city, his office shall thereby be vacated.

§ 5. At the first meeting of the city council, the alder- Classes.  
men shall be divided, by lot, into two classes; the seats of those  
of the first class shall be vacated at the expiration of the first  
year, and of the second class at the expiration of the second  
year, so that one-half of the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, Qualifications.  
elections and returns of their own members, and shall de-  
termine all contested elections.

§ 7. A majority of the city council shall constitute a Quorum.  
quorum to do business; but a smaller number may adjourn  
from day to day and compel the attendance of absent mem-  
bers under such penalties as may be prescribed by ordi-  
nance.

§ 8. The city council shall have power to determine the Rules.  
rule of its proceedings, punish its members for disorderly  
conduct, and, with concurrence of two-thirds of the members  
elected, expel a member.

§ 9. The city council shall keep a journal of its proceed- Journal.  
ings, and, from time to time, publish the same; and the  
yeas and nays, when demanded by any member present,  
shall be entered on the journal.

§ 10. No alderman shall be appointed to any office un- Prohibition.  
der the authority of the city, which shall have been created,  
or the emoluments of which shall have been increased, dur-  
ing the time for which he shall have been elected.

§ 11. All vacancies that shall occur in the board of Vacancies.  
aldermen shall be filled by election.

§ 12. The mayor and each alderman, before entering Oath.  
upon the duties of their office, shall take and subscribe an  
oath that they will support the constitution of the United  
States and of this State, and that they will well and truly  
perform the duties of their office to the best of their skill  
and abilities.

§ 13. Whenever there shall be a tie in the election of Tie.  
alderman, the judges of election shall certify the same to  
the mayor, who shall determine the same, by lot, in such  
manner as shall be prescribed by ordinance.



Meetings.

§ 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

### ARTICLE III.—*Of the Chief Executive Officer.*

Mayor.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and he shall hold his office for one year and until his successor shall be elected and qualified.

Eligibility.

§ 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

Removal.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be vacated.

Tie.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be provided by ordinance.

Contest.

§ 5. Whenever an election of mayor shall be contested the city council shall determine the same in such manner as may be prescribed by ordinance.

Vacancy.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

### ARTICLE IV.—*Of Elections.*

Election.

§ 1. On the first Monday of April next an election shall be held in each ward of said city, for one mayor, one marshal for the city, two aldermen for each ward; and forever thereafter, on the first Monday of April of each year, there shall be an election held for one mayor, one marshal for the city, and one alderman for each ward. The first election for mayor, marshal and aldermen shall be held, conducted, and returns thereof made, as may be provided by ordinance of the present trustees of the town of Hamilton.

Voters.

§ 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor, marshal and alderman in the wards in which they respectively reside, and in no other, and that no vote shall be received at any of said elections, unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state. Taxes.

§ 2. That the city council of the city of Hamilton shall have power to appoint a clerk, treasurer, assessors, street commissioner or commissioners, and all such other officers as may be necessary. Officers.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bond, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that the city council shall not have power to borrow at a higher rate of interest than ten per cent., and shall not by means of bonds, loans, scrip, or any other manner whatever, create a debt that shall exist, at any one time, beyond the sum of ten thousand dollars. Bonds.

§ 4. To appropriate money, and provide for the payment of the debt and expenses of the city. Appropriations.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose and enforce the same within two miles of the city. Diseases.

§ 6. To establish hospitals and make regulations for the government of the same. Hospitals.

§ 7. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same. Health.

§ 8. To provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants. Water.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, lanes, avenues and alleys. Streets.

§ 10. To establish, erect and keep in repair bridges. Bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require. Wards.

§ 12. To provide for lighting the streets and erecting lamp posts. Light.

§ 13. To establish, support and regulate night watches. Night watches.

- Markets.      § 14. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.
- Public build-      § 15. To provide for the erection of all needful build-  
ings.            ings for the use of the city.
- Public grounds      § 16. To provide for inclosing, improving and regulat-  
ing all public grounds belonging to the city.
- Navigation.      § 17. To improve and preserve the navigation of the  
Mississippi river within the limits of the city.
- Wharves.      § 18. To erect, repair and regulate public wharves and  
docks; to regulate the erection and repair of private wharves  
and the rates of wharfage thereat.
- License.      § 19. To license, tax and regulate auctioneers, mer-  
chants and retailers, groceries, taverns, ordinaries, hawkers,  
peddlers, brokers, pawnbrokers and money changers.
- § 20. To license, tax and regulate hackney carriages,  
wagons, carts and drays; fix the rates to be charged for the  
carriage of persons, and for the wagonage, cartage and  
drayage of property.
- § 21. To license and regulate porters and fix the rate of  
porterage.
- § 22. To license, tax and regulate theatrical and other  
exhibitions, shows and amusements.
- Disorderly      § 23. To restrain, prohibit and suppress tippling houses,  
houses.        dram shops, gaming houses, bawdy houses and other dis-  
orderly houses.
- Fires.      § 24. To provide for the prevention and extinguishment  
of fires, and to organize and establish fire companies.
- Chimneys.      § 25. To regulate the fixing of chimneys, and fix the  
flues thereof.
- Wooden build-      § 26. To regulate or prohibit the erection of wooden  
ings.            buildings in any part of the city.
- Combustibles.      § 27. To regulate the storage of gunpowder, tar, pitch,  
rosin and other combustible matter.
- Walls and      § 28. To regulate and order parapet walls and partition  
fences.        fences.
- Weights and      § 29. To establish standard weights and measures, and  
measures.      regulate the weights and measures to be used in the city, in  
all cases not otherwise provided for by law.
- Inspection.      § 30. To provide for the inspection and measurement of  
lumber and other building materials, and for the measure-  
ment of all kinds of mechanical work.
- § 31. To provide for the inspection and weighing of  
hay and stone coal, the measuring of charcoal, firewood and  
other fuel, to be sold or used within the city.
- § 32. To provide for and regulate the inspection of to-  
bacco, beef, pork, flour, meal and whisky, in barrels.
- § 33. To regulate the inspection of butter, lard and  
other provisions.
- Bread.      § 34. To regulate the weight, quality and price of bread  
to be sold and used in the city.



§ 35. To regulate the size of brick to be sold or used in Brick.  
the city.

§ 36. To provide for taking enumeration of the inhabi- Census.  
tants of the city.

§ 37. To regulate the election of city officers, and pro- Officers.  
vide for removing from office any person holding an office  
created by ordinance.

§ 38. To fix the compensation of city officers, and regu- Compensation.  
late the fees of jurors, witnesses and others, for services  
rendered under this act or any ordinance.

§ 39. To regulate the police of the city, to impose fines, Police.  
forfeitures and penalties for the breach of any ordinance,  
and provide for the recovery and appropriation of such fines  
and forfeitures and the enforcement of such penalties.

§ 40. The city council shall have exclusive power, with- Ferries.  
in the city, by ordinance, to license, regulate and restrain  
the keeping of ferries, and to suppress and restrain billiards :  
*Provided*, that nothing herein contained shall be so construed  
as to interfere with former chartered rights heretofore  
existing.

§ 41. The city council shall have power to make all or- Ordinances.  
dinances which shall be necessary and proper for carrying  
into execution the powers specified in this act, so that such  
ordinances be not repugnant to nor inconsistent with the  
constitution of the United States or of this state.

§ 42. The style of the ordinances of the city shall be, Style.  
"Be it ordained by the City Council of the City of Hamil-  
ton."

§ 43. All ordinances passed by the city council shall, Publication.  
within one month after they shall have been passed, be pub-  
lished in some newspaper published in the city, and shall  
not be in force until they shall have been published as afore-  
said.

§ 44. All ordinances of the city may be proven by the Proof.  
seal of the corporation, and, when printed or published in  
book or pamphlet form, and purporting to be printed and  
published by the authority of the corporation, the same  
shall be received in evidence in all courts and places, with-  
out further proof.

## ARTICLE VI—*Of the Mayor.*

§ 1. The mayor shall preside at all meetings of the city Mayor.  
council, and shall have the casting vote, and no other. In  
case of nonattendance of the mayor at any meeting the  
board of aldermen shall appoint one of their own members  
chairman, who shall preside at the meeting.

§ 2. The mayor or any two of the aldermen, may call Special meet-  
special meetings of the city council. ings.

§ 3. The mayor shall, at all times, be active and vigilant Duties of  
in enforcing the laws and ordinances for the government of mayor.

the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be presented and punished; he shall, from time to time, communicate to the aldermen such information and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Aid. § 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances; and, in case of riot, to call out the militia, to aid him in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

Exhibit. § 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by ordinance made in pursuance of this act.

Jurisdiction. § 7. He shall also have jurisdiction as may be vested in him by ordinance of the city, and over all places, within two miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Salary. § 8. And he shall receive for his services such salary as shall be fixed by an ordinance of the city.

Indictment. § 9. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Hancock county, and, on conviction, he shall be fined not more than two hundred dollars; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

## ARTICLE VII.

Opening streets. § 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane avenue or alley, the corporation shall make a just compensation to the person or persons whose property is taken; and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by jury of six disinterested freeholders of the city.

Petition. § 2. When the owners of all the property on a street lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance; but no compensation shall in such cases be made to those whose property

shall be taken for the opening, widening or altering such street, lane, avenue or alley; nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

§ 3. All jurors empaneled to inquire into the amount of Inquest.  
benefits or damages which may happen to the owner or owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn, to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

§ 4. In ascertaining the amount of compensation for pro- Benefits and  
perty taken for opening or widening or altering any street, damages.  
lane, avenue or alley, the jury shall take into consideration the benefits as well as injury happening by such opening, widening or altering such street, lane avenue or alley.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside and cause a new inquest to be made. Mayor may set  
aside inquest.

§ 6. The city council shall have power, by ordinance, to Special tax.  
levy a special tax on the holder or holders of lots or parts of lots in any street, lane, avenue or alley, or part of any street, lane avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading or planking the sidewalks and lighting said street, lane, avenue or alley.

§ 7. No license shall be granted, either by the city council or by the county court or board of supervisors of Hancock county, for the retailing of spirituous liquors in any quantity whatever; and all fines or penalties which may hereafter be recovered, either in the circuit court or before justices of the peace, for selling rum, gin, brandy, whisky, wine or other spirituous or mixed liquors, without license, within the limits of said city, shall be paid into the city treasury. License.

§ 8. The city council shall provide, by ordinance, adequate Penalties.  
penalties against selling spirituous, vinous or malt liquors for other than medical, mechanical or sacramental purposes; and may provide against the same being drank on the premises when sold; may provide, by adequate penalties, against giving away any of said liquors to minors or intemperate persons or permitting minors or intemperate persons to resort to or frequent such places where such liquors are kept for sale.

#### ARTICLE VIII—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Hamilton are hereby Exemption.  
exempted from working on any road beyond the limits of the city, and from paying tax to procure laborers to work on the same.



Street labor.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require of every male inhabitant of said city, over the age of twenty-one years, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year; and any person failing or refusing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Imprisonment.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Statement.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Suits.

§ 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the City of Hamilton.

Appeals.

§ 6. Appeal shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the circuit court of Hancock county; and every such appeal shall be taken and granted in the same maner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

Animals.

§ 7. The city council shall have the power to regulate, by ordinance, the running of horses, mules or asses, attached to wagons or otherwise, and to prevent the same from being left without being securely fastened, so as to prevent them from running away within the limits of the city, with adequate penalties, to prevent the same.

Marshal.

§ 8. The city marshal or any other officer authorized to execute writs or other process issued by the mayor shall have power to execute the same anywhere within the limits of the county of Hancock, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

Police magis-  
trate.

§ 9. At the regular election of mayor and other city officers there shall, also, be elected one or more police magistrates, as shall be previously determined by ordinance, who shall have exclusive jurisdiction in all cases arising under the ordinance of the corporation and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases.

Fines.

§ 9. That all fines, penalties and forfeitures inflicted by or recovered before the police magistrate of said city of Hamilton, whether for violating the city ordinances or the laws of the state, shall be paid into the treasury of said city;

and it shall be the duty of said magistrates and all other officers to account for and pay over all such fines, penalties and forfeitures, as may be collected by them, to the treasurer of said city, on the first Mondays of March, June, September, December of each and every year hereafter.

§ 10. All ordinances and resolutions passed by the president and trustees of the town of Hamilton shall remain in force until the same shall have been repealed by the city council hereby created. Ordinances.

§ 11. All property, real and personal, heretofore belonging to the president and trustees of the town of Hamilton, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created. Property.

§ 12. This charter shall not invalidate any act done by the president and trustees of the town of Hamilton, nor divest them of any right which may have accrued to them prior to the passage of this act. Rights.

§ 13. The president and trustees of the town of Hamilton shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Hamilton, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city, for two weeks in succession, prior to the day of election of said city officers. Publication.

§ 14. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof. Public act.

§ 15. The president and trustees of the town of Hamilton shall cause an election to be held in said town, on the third Wednesday in March next, or as soon thereafter as convenient, at which the inhabitants of said town, who are authorized to vote for state officers, shall vote for or against the adoption of this charter; and if a majority of the votes given at such election shall be in favor of the adoption of said charter then it shall immediately take effect as a law; but if a majority of the votes given shall be against the adoption of said charter then this act to be of no effect. Election.

APPROVED February 24, 1859.

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AN ACT to incorporate the city of La Harpe.

In force Feb'y  
24, 1859.

## ARTICLE I.—Of *Boundaries and General Powers.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of La Harpe, in the county of Hancock,* Corporation.

L—

and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of La Harpe;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Style.

Limits.

§ 2. All that district of country embraced within the following boundaries, to wit: beginning at the southwest corner of section sixteen; in township seven north, of range five west of the fourth principal meridian, in Hancock county, state of Illinois; thence south to centre of section twenty-eight; thence east to centre of section twenty-seven; thence north to centre of section fifteen; thence west to place of beginning, is hereby declared within the boundaries of said city of La Harpe.

Wards.

§ 3. The present board of trustees of the town of La Harpe shall, on or before the second Monday of April next, divide the said city of La Harpe into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

General powers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

## ARTICLE II.—Of the City Council.

Council.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

Aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters, for two years, and by general ticket, until otherwise ordered by the city council.

Eligibility.

§ 3. No person shall be an alderman, unless at the time of his election, he shall have resided one year within the limits of the city, and shall be, at the time of his election, twenty-one years of age, a citizen of the United States, and a resident of the ward for which he is elected.

Removal.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby become vacated.

Classes.

§ 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class, at the expiration of



the second year, so that one-half of the board shall be elected annually.

§ 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections. Qualifications.

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Quorum.

§ 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member. Rules.

§ 9. The city council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered on the journal. Journal.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected. Prohibition.

§ 11. All vacancies that shall occur in the board of aldermen, shall be filled by election. Vacancies.

§ 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability.

§ 13. Whenever there shall be a tie in the election of aldermen, the judge of election shall certify the same to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance. Tie.

§ 14. There shall be four stated meetings of the city council in each year, at such time and places as may be prescribed by ordinance. Meetings.

### ARTICLE III.—*Of the Chief Executive Officer.*

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States. Eligibility.

- Hemo-al. § 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated.
- Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be provided by ordinance.
- Contest. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same, in such manner as may be prescribed by ordinance.
- Vacancy. § 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

#### ARTICLE IV.—*Of Elections.*

- Election. § 1. On the second Monday [of] April next an election shall be held in said city for one mayor for the city and two aldermen for each ward; and forever thereafter, on the second Monday of April of each year, there shall be an election held for one mayor for the city and one alderman for each ward. The first election for mayor and aldermen shall be held, conducted and returns thereof made as may be provided by ordinance of the present trustees of the town of La Harpe.
- Voters. § 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, shall be entitled to vote for city officers: *Provided*, the city council may at any time require, by ordinance, that said voters shall give their votes for mayor and aldermen in the wards in which they respectively reside, and in no other; and that no vote shall be received at any of said elections unless the person offering the same shall be at the time an actual resident of said ward.

#### ARTICLE V.—*Of the Legislative Powers of the City Council.*

- Taxes. § 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.
- Officers. § 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisors of streets, and all such other officers as may be necessary.
- Bonds. § 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bond, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient; and, also,

to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools.

§ 4. To appropriate money and to provide for the pay- Appropriation  
ment of the debt and expenses of the city.

§ 5. To make regulations to prevent the introduction of Diseases.  
contagious diseases into the city, and enforce the same within five miles of the city.

§ 6. To make regulations to secure the general health Health.  
of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 7. To provide the city with water and to erect pumps Water.  
for the convenience of the inhabitants.

§ 8. To open, alter, abolish, widen, extend, establish, Streets.  
grade, pave or otherwise improve and keep in repair streets, lanes, avenues and alleys.

§ 9. To establish, erect and keep in repair bridges Bridges.

§ 10. To divide the city into wards, alter the boundaries Wards.  
thereof, and erect additional wards, as occasion may require.

§ 11. To provide for lighting the streets and erecting Light.  
lamp posts.

§ 12. To establish, support and regulate night watches. Night watches.

§ 13. To erect market houses, establish markets and mar- Markets.  
ket places, and to provide for the government and regulation thereof.

§ 14. To provide for the erection of all useful buildings Public build-  
for the use of the city. ings.

§ 15. To license and regulate porters and fix the rate of Porters.  
portage.

§ 16. To license, tax and regulate theatrical and other Shows.  
exhibitions, shows and amusements.

§ 17. To restrain, prohibit and suppress tippling houses, Tippling hou-  
drum shops, gaming houses, bawdy houses and other disor- ses.  
derly houses.

§ 18. To provide for the prevention and extinguishment Fires.  
of fires, and to organize and establish fire companies.

§ 19. To regulate the fixing of chimneys, and fixing the Chimneys.  
flues thereof.

§ 20. To provide for taking enumerations of the inhab- Census  
itants of the city.

§ 21. To regulate the election of the city officers and Officers.  
provide for removing from office any person holding an office created by ordinance.

§ 22. To regulate the police of the city, to impose fines, Police.  
forfeitures and penalties for the breach of any ordinance, and provide for the recovery and apprehension of such fines and forfeitures, and the enforcement of such penalties.

§ 23. To fix the compensation of all city officers, and Salaries.  
regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.



Ordinances. § 24. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or this state.

Style. § 25. The style of ordinance of the city shall be: "*Be it ordained by the city council of the city of Le Haye.*"

Publication. § 26. All ordinances passed by the city council in the city shall not be in force until they shall have been published ten days.

Proof. § 27. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence, in all courts and places, without further proof.

#### ARTICLE VI.—*Of the Mayor.*

Mayor. § 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of nonattendance of the mayor at any meeting, the board of aldermen shall appoint one of their number chairman, who shall preside at that meeting.

Special meetings. § 2. The mayor, or any two aldermen, may call meetings of the city council.

Duties of mayor. § 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be presented and punished; he shall, from time to time, communicate to the aldermen such information and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of riot, to call out the militia, to aid him in suppressing the same or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Justice of the peace. § 7. He shall be commissioned by the governor as a justice of the peace for said city, and, as such, shall be a conservator of the peace in said city, and shall have power and

authority to administer oaths, issue writs and processes under the seal of the city, to take acknowledgments of deeds, mortgages and other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the city, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the county of Hancock, arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases. Jurisdiction.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health ordinances and regulations thereof.

§ 10. And he shall receive for his services such salary as shall be fixed by an ordinance of the city, and the usual fees of the justices of the peace. Salary.

§ 11. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, misconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Hancock county, and, on conviction, he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office. Indictment.

#### ARTICLE VII.—*Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, he mayor shall cause the same to be assessed by a jury of six disinterested freeholders of the city. Opening of the streets.

§ 2. When the owners of all the property on the street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance, but no compensation shall, in such cases, be made to those whose property shall be taken for the opening, widening or altering of such street, lane, avenue or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners. Petition.

§ 3. All jurors impaneled to inquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall be first sworn Inquest.

to that effect, and shall return to the mayor their inquest, in writing, signed by each juror.

Benefits and  
damages.

§ 4. In assessing the amount by compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering of such street, lane, avenue or alley.

Mayor may set  
aside inquest

§ 5. The mayor shall have power, for any good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective parts owned by them, for the purpose of paving and grading the sidewalks.

#### ARTICLE VIII—*Miscellaneous Provisions.*

Exemption.

§ 1. The inhabitants of the city of La Harpe are hereby exempted from working on any road beyond the limits of the city.

Street labor.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age and under fifty, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Punishment.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Statement.

§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year; and on what account received and expended.

Ordinances.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of La Harpe shall remain in force until the same shall be repealed by the city council hereby created.

Suits.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the city of La Harpe.

Actions.

§ 7. All actions, fines and forfeitures which have accrued to the president and trustees of the town of La Harpe shall



be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of La Harpe, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created. Property.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of La Harpe, nor divest them of any right which may have accrued to them prior to the passage of this act. Rights.

§ 10. The president and trustees of the town of La Harpe shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of La Harpe, and issue their proclamation for the election of officers, and cause the same to be published in said city for four weeks prior to the day of election for said city officers. Publication.

§ 11. Appeals shall be allowed from all decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the circuit court of Hancock county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state. Appeals.

§ 12. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*. Vacancy.

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof. Public act.

§ 14. All acts and parts of acts coming within the provisions of this charter that are contrary thereto or inconsistent with its provisions, are hereby repealed. Repeal.

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same anywhere within the limits of said Hancock county, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. Marshal.

§ 16. The city council of said city shall have power to provide for inclosing, improving and regulating all public ground within the city and for the punishment of injuries or damage done to trees, buildings or other improvements thereon; to license, tax and regulate auctioneers, merchants and retailers, groceries, taverns and all places where fermented liquors are sold, and the vendors of the same, hawkers, peddlers, brokers, pawnbrokers and money changers: *Pro-* Public grounds  
Proviso.

added, that nothing herein contained shall be construed to vest in said city council authority to grant license in any cases or for any purposes where the same may be prohibited by any existing or future general law of this state.

Marshal.

§ 17. The city marshal of said city shall, by virtue of his office, be a constable of Hancock county, with power to serve process, and to do all acts that constables may lawfully do, and shall receive the same fees as are allowed to other constables by law, and shall, before entering upon the discharge of his office, in addition to the ordinary bond which may be required of him by city ordinance, execute another bond and file it in the office of the clerk of the county court of Hancock county, in like manner as other constables are now required to do by law, and he shall, moreover, take the same oath to discharge the duties of his office and in the same manner that other constables are now required to take.

Mayor's court.

§ 18. The city council shall have power to provide, by ordinance, for the organization and maintenance of a mayor's court for said city, and for the trial and punishment of all offenders against the ordinances of said city, made in conformity with the powers granted in this charter and not inconsistent with the constitution of the United States, or of this state.

Schools.

§ 19. The care and superintendence of the common schools within the city of La Harpe, together with the funds and estate, both real and personal, belonging to and which may be conveyed to La Harpe school district, shall devolve upon the city council of the city of La Harpe, and they shall have power to appoint, at their first meeting after their annual election, in each year, a general superintendent of public schools for said city of La Harpe, whose term of office shall be for one year and until his successor shall be duly elected and qualified; and his duties and the amount of his salary shall be defined by the city council of the city of La Harpe: *Provided, however*, that the said salary shall at no time be paid out of the school fund belonging to said La Harpe school district; and said city council shall have power to make all laws and ordinances necessary and proper for the management of said common schools, not inconsistent with the constitution of this state.

Proviso.

School funds.

§ 20. The township funds and estate, real and personal, belonging to township seven north, range five west, shall be divided between the city of La Harpe and the portions of said township lying without the city of La Harpe, as follows: the trustees of schools of township seven north, range five west, shall, within three months from and after the passage of this act, appoint three respectable householders, one from the city of La Harpe, one from township seven north, range five west, residing outside of the city, and one residing in township seven north, range six west, in said Hancock county, who,

or a majority of whom, after being duly sworn well and truly to perform their duty, shall ascertain as nearly as may be the number of white persons under the age of twenty years, residing within said township seven north, range five west, both within and without the limits of said city of La Harpe, and they shall divide and apportion the aforesaid township funds and estate according to the number of children under the age aforesaid, residing in said township, within and without said city of La Harpe, and shall pay over and deliver to said city the distributive share of the said township funds and estate aforesaid, to which the said La Harpe school district may be entitled, according to the number of white persons under the age aforesaid, residing in said township within and without the limits of said city, respectively; and the said commissioners shall have power to make their deed of partition, and convey to the city of La Harpe, its distributive share of the real estate belonging to the school fund of said township aforesaid; and in case the commissioners appointed as aforesaid shall refuse or neglect to perform the duties aforesaid, within one month from the time of their appointment, the said trustees of schools of said township shall have power to appoint others in their stead, either in or out of said city of La Harpe, who shall, in like manner, perform the duties assigned to the first mentioned commissioners; and said trustees shall have power to make appointments and fill vacancies in the same until the objects of this act are carried into effect: *Provided*, the same shall be done within twelve months from and after the passage of this act.

§ 21. The trustees of schools of said township seven north, range five west, shall, upon such partition being made, pay over and deliver to the city of La Harpe the funds and deeds to which said La Harpe school district may be entitled, according to the division and distribution aforesaid, and shall take from the clerk of the city of La Harpe a receipt for the same. All school houses in said city of La Harpe which have been built by taxation or voluntary contribution shall be and remain the property of the city for school purposes, and not subject to partition, as provided in the preceding section, but the same shall be by said commissioners conveyed to the said city in the same manner as the property which may be by them partitioned and set off to said city, as hereinbefore provided. Trans'cr.

§ 22. It shall be the duty of the city council of the city of La Harpe to cause to be furnished to the school commissioner of Hancock county an abstract of the whole number of white children under the age of twenty years, residing in said La Harpe school district, within ten days after the number shall be ascertained; and the said school commissioner shall, annually, pay to the clerk of the city of La Harpe the Abstract.



Proviso.

proportion of the school, college and seminary fund to which the said La Harpe school district may be entitled, according to the number of children under the age aforesaid residing in said district, taking his receipt for the same: *Provided*, that no abstract of the number of children as aforesaid, residing in said La Harpe school district, shall be returned to said school commissioner oftener than once in two years, as required in other school districts.

Exemption

§ 23. All members of any fire company of the city of La Harpe, residing in said city, during the time he shall remain a member of such fire company and comply with the rules and perform the duties thereof, shall be exempt from all road and street labor, and from serving as jurors, in every case whatever: *Provided*, that this section shall not be so construed as to exempt any person from any tax upon property.

General laws.

§ 24. That all general laws or parts of laws heretofore passed or which may be hereafter passed, for the purpose of adding to or enlarging the powers of towns and cities which have been or hereafter may be incorporated by any special act or by virtue of any general law of this state, shall be deemed and held to apply as well for the benefit of said city of La Harpe as of any other: and it shall at all times be lawful for the city council of said city of La Harpe to claim and exercise any and all powers which may be granted by general laws for the purpose of adding to or extending the powers of towns and cities as aforesaid.

Taxes.

§ 25. The city council shall have power to provide, by ordinance, that all taxes levied, assessed and collected under and by virtue of the provisions of this act shall be assessed and collected by the same assessor and collector whose duty it shall be, by general law, to assess and collect the state and county tax for township seven north, range five west, in said Hancock county. If said city council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court, as soon as convenient after the assessment is made, in each year, for state and county purposes, of the rate per cent. of taxation levied by them for city purposes for said year; and it shall thereupon be the duty of said county clerk to carry out each, and extend said tax upon the books of the assessor and collector, in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer, whether resident or nonresident, owning property in said city; and said city tax shall be collected in every respect and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Any court which

shall render judgment in said Hancock county against lands and lots in said city for nonpayment of taxes due the state and county shall, at the same time include in the same judgment any and all taxes which may be due said city. For his services in carrying out, adding and extending said tax in the books of the assessor and collector, said clerk of the county court shall receive one per cent. on the amount of tax collected. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable on his official bond for the payment of all such city tax by him collected. The fees of the clerk and collector to be paid out of the taxes thus collected.

§ 26. The city council of said city of La Harpe shall have power and authority to grant to any five or more persons wishing to found an academy or seminary of learning, or to establish, govern and control all the public schools of the city, full power and authority to do the same. Academy.

§ 27. When such institution shall be established the said five or more persons shall thenceforth constitute the school directors of said La Harpe school district, and shall exercise all the powers and discharge all the duties which now are or may henceforth be conferred by law upon school directors in this state, and shall receive from the county school commissioner or township treasurer all public moneys belonging to said La Harpe school district. Directors.

§ 28. That so much of the act entitled "An act to establish and maintain common schools," in force February 16th, 1857, and all other acts and parts of acts coming in conflict with the provisions of this act, so far as relates to said La Harpe school district, is hereby suspended. Act suspended

§ 29. This act to take effect from and after its passage : *Provided*, that an election shall be held in said city of La Harpe, upon the question of adopting or rejecting this charter, and if a majority of the voters of such election shall be for rejecting this charter, then the same shall be null and void. Election.

APPROVED February 24, 1859.

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AN ACT to incorporate the city of Litchfield, in Montgomery county.

In force Feb'y  
16, 1859.

## ARTICLE I.—*Of Boundaries, General Powers and Wards.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all the district of country in the county of Montgomery and state* Limit.

of Illinois, consisting of the tracts of land known as section thirty-three (33), the east half of section thirty-two (32), in township nine (9) north, of range five (5) west of the third (3d) principal meridian; the north half and the north quarter of the south half of section four (4) and the northeast quarter and the north half of the northeast quarter of the southeast quarter of section five (5), in township eight (8) north, of range five (5) west of the third (3d) principal meridian, is hereby erected into a city, by the name of the "City of Litchfield."

Style of corporation.

§ 2. The inhabitants of said city shall be a corporation, by the name of the "City of Litchfield," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change the same at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same, for the benefit of the city.

Boundaries of wards.

§ 3. The city of Litchfield shall be divided into three (3) wards, the boundaries of which shall be as follows: The territory south of the Terre Haute, Alton and Saint Louis Railroad shall be the first ward. The territory north of of said railroad and east of the central line of State street shall be the second ward. The territory north of said railroad and west of the central line of State street shall be the third ward. The boundaries of the said wards may be, by the city council, changed from time to time. The city council may, as occasion may require, create additional wards and define the boundaries thereof.

First ward.

Second ward.

Third ward.

## ARTICLE II.—*Officers—Their Election and Appointment.*

Officers.

§ 1. The municipal government of the city shall consist of a city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: a city magistrate, a city marshal and collector, a city clerk, a city treasurer, a city attorney, a city assessor, a city surveyor and a city street commissioner, who, in addition to the duties prescribed in this act, shall perform such other duties as shall be prescribed by ordinance. There shall be such other officers, servants and agents, as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordinance.

Term of office.

§ 2. All officers to be elected or appointed under this act, except such as are otherwise provided for hereby, shall hold their offices one year and until the election or appointment and qualification of their successors respectively. All the officers mentioned in this act and not otherwise especially provided for, shall be appointed by the city council, by



ballot, at their first regular meeting after the regular annual election, or as soon thereafter as may be; but the city council may authorize the appointment of watchmen and policemen to continue in office during the pleasure of the city council: *Provided*, the city council may remove them from office for good cause. All officers elected to fill vacancies, except when especially provided, shall hold for the unexpired term only, and, when appointed to fill vacancies, until the next general election, and until the election or appointment and qualification of their successors.

§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward who shall be *bona fide* residents. The aldermen shall hold their offices for two years from and after their election, and until the election and qualification of their successors; but one alderman shall be elected from each ward annually. At the first annual meeting of the city council, it shall be determined by lot which of the aldermen from each ward shall serve for one year and which for the full term.

Ward representation.

§ 4. If from any cause there shall not be a quorum of aldermen, the clerk shall appoint the time and place for holding a special election to supply such vacancies and appoint judges thereof, if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If there should be a failure by the people to elect any officer herein required to be elected, the city council shall forthwith order a new election.

Special election.

§ 5. Any officer elected or appointed to any office, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him and heard in his defence; and the city council shall have the power to compel the attendance of witnesses and the production of papers, when necessary for the purposes of such trial, and shall proceed within ten days from such notice to determine upon the merits of the case, and if such officer shall not appear and answer such charges, then the city council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed at any time by a vote of two-thirds, as aforesaid, in their discretion, but any officer may be suspended until the disposition of the charges preferred.

Removal.

Proviso.

§ 6. Whenever any vacancy shall occur in the office of mayor, alderman or city magistrate, such vacancy shall be filled by a new election; and the city council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the time has expired.

Vacancy.

§ 7. All citizens of the United States qualified to vote at any election held under this act, shall be qualified to hold any office created under this act, except the mayor and aldermen, who shall own real estate within the corporate limits of the city.

§ 8. When two or more candidates for elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the city council.

### ARTICLE III.—*Of Elections.*

Elections.

§ 1. A general election shall be held in each ward of the city, on the first Monday of March next. Richard W. O'Bannon, W. E. Bacon and John McGinnis, or a majority of them, are hereby vested with authority to determine the time, in said day, and the places of such election, and to appoint three inspectors for each ward. Upon each and every first Monday in March thereafter, there shall be held a general election, at which the following officers shall be chosen: A mayor, one alderman from each ward (the alderman to be voted for only by the residents of the ward which he is elected to represent), a city marshal and collector, a city clerk, a city treasurer, a city surveyor and a city street commissioner. Public notice of such elections shall be given by the city clerk ten days previous to the same, to be published in a newspaper in the city, or posted in one public place in each ward.

Manner of conducting elections.

Proviso.

§ 2. The manner of conducting and voting at the elections held under this act and contesting the same, the keeping of the poll lists, canvassing the votes and contesting the returns, shall be the same, or as nearly the same as may be, as is now or may be hereafter provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and appointments of judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of general elections. After the closing of the polls, the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the city clerk, within two days after the election, and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their elections or appointments, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant. At the first election held on the first Monday of March next the returns shall be made by the inspectors to Richard W. O'Bannon, W. E. Bacon and John McGinnis,

aforesaid, who shall meet and canvass the votes and declare the result of the election, under oath.

§ 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and who has not been a resident of the city at least three months next preceeding such election; he shall have been moreover an actual resident of the ward in which he proposes to vote for ten days previous to such election, and, if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the constitution,) have been a resident of this city three months and a resident of this state one year immediately preceeding this election, have paid my yearly poll tax as required by the laws of this city, am now, and for the last ten days have been, a resident of this ward, and have not voted at this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge: *And provided, further*, that at the first election under this act, any person within the limits of this city, entitled to vote at state elections, shall be entitled to vote in the ward in which he may reside.

Eligibility of voters.

Proviso.

#### ARTICLE IV.—*Powers and Duties of Officers.*

§ 1. Every person chosen or appointed to an executive, judicial or administrative office, under this act, shall, before he enters upon the duties of his office, take the oath prescribed in the constitution of this state.

Take oath.

§ 2. The mayor shall preside over the meetings of the city council and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city.

Mayor.

§ 3. He is hereby authorized to call on any and all white male inhabitants of this city or county, over the age of eighteen years, to aid in enforcing the laws of the state or the ordinances of the city, and, in case of a riot, to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the city a fine of not less than five dollars.

Riot.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers; and he shall have pow-

Exhibit of books.



er to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof.

Ordinances and  
resolutions.

§ 5. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members of the city council shall agree, by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office, as aforesaid, the same shall go into effect. He shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state, to take depositions, acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

Administer  
oaths.

Vacancy.

§ 6. In case of vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "acting mayor." And the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall assume his office or the vacancy shall be filled by a new election.

Fire wardens.

§ 7. The members of the city council shall be *ex officio* fire wardens and conservators of the peace within the city, and shall be exempt from jury duty during their term of office.

Corporate seal.

§ 8. The clerk shall hold his office for one year; he shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the city council and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him under the corporate seal of the city, shall be evidence in all courts in like manner as if the originals were produced; he shall likewise draw all warrants on the treasury and countersign the same, and keep an accurate account thereof in a book provided for that purpose, and he shall have power to administer any oath required to be taken by this act.

Compensation

§ 9. He shall receive such compensation for his services as may be fixed by ordinance.

City attorney.

§ 10. It shall be the duty of the city attorney to perform all professional duties incident to his office, and, when

required, to furnish written opinions upon questions and subjects submitted to him by the mayor or the city council or its committees. He shall receive such compensation for his services as may be provided by ordinance.

§ 11. The city marshal shall hold his office for one year, and shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, the collection of license moneys, fines or otherwise; he shall possess the powers and authority of a constable at common law under the statutes of the state, and shall receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the city council, payable to said city as in other cases; he shall execute and return all process issued by any proper officer under this act, or any ordinance in pursuance thereof. He shall also, as city collector, collect all taxes and assessments which may be levied by the city council, and all moneys belonging to the city, and keep an accurate account of the same in such manner as the city council may direct, and shall receive such per centage on collections as the city council may by ordinance provide.

City marshal.

City collector.

§ 12. The city treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and disbursements in such manner as the city council may direct. All moneys shall be drawn from the treasury in pursuance of an order by the city council, by a treasury warrant, signed by the mayor, and countersigned by the city clerk. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report.

Duty of city treasurer.

§ 13. The city surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits, and he shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe; he shall possess the same powers in making plats and surveys within the city as is given by law to county surveyors; and the like effect and validity shall be given to his acts and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of the county surveyor; he shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the erection of the same; he shall perform all surveying and engineering ordered by the city council; shall, under their direction, establish the grade and boundaries of streets and alleys, but such plans, estimates, contracts, grades and boundaries shall be first reported to the city council and approved by them or they shall not be valid.

City surveyor.

City assessor.

§ 14. The city assessor shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the city council. In the performance of his duties he shall have the same powers as he or may be given by law to county or town assessors, and be subject to the same liabilities. On completing the assessment lists and having revised and corrected the same, he shall sign and return them to the city council.

Street commissioner.  
School.

§ 15. The street commissioner shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto; it shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and opening thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of side-walks; to give notice to the owners of property adjoining such side-walks, when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers; to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and all disbursements thereof, specifying to whom made, and on what account, and he shall render monthly accounts thereof to the city council.

Require duties of  
officers.

§ 16. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specified, and fix their compensation; they may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Litchfield, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over and deliver all moneys and other property received by them, which bond, with the approval of the city council certified thereon by the clerk, shall be filed in his office for the benefit of any person aggrieved by the official act of the officer.

City.

§ 17. If any person having been an officer of said city, shall not, within ten days' notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay for the use of the city a sum not exceeding fifty dollars, besides all damages and costs caused by his refusal or neglect so to deliver; and such successor may recover



possession of the books, papers and effects belonging to his office in the manner prescribed by the laws of the state.

§ 18. All officers elected or appointed under this act, Commissioned shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and clerk.

ARTICLE V.—*Of Legislative Powers of City Council—Its General Powers and Duties.*

§ 1. The mayor and aldermen shall constitute the city City council. council; they shall meet and organize the first Thursday after their election, and shall meet at such times and places thereafter as they shall determine: the mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence any one of the aldermen may be appointed to preside; a majority of the persons elected aldermen shall constitute a quorum.

§ 2. The city council shall hold twelve stated meetings, Meetings. one in each month during the year; and the mayor or any two aldermen may call special meetings of the council by notice served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceeding and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.

§ 3. The city council shall have the control of the finances Finances and of the property, real, personal and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance—

*First.*—To borrow money on the credit of the city and Borrow money issue bonds of the city therefor; but no bonds shall be issued having more than five years to run, and there shall never be outstanding bonds to a greater amount than two per cent. of the last assessed value of the real and personal property of the city. It shall be the duty of the council to provide, either by taxation or the issue of bonds, for the payment of all claims against the city as rapidly as such claims fall due. All orders on the treasury shall be made payable on demand. No appropriation shall be made for any public building or other improvement out of the general fund of the city, except in such cases as when the city council shall not have authority to provide for the same by special taxation levied on the property benefitted thereby, or when the city council shall by resolution declare that it will be unjust and inequitable that the property in the vicinity shall bear the expenses of such improvement, and that such improvement is required by the general interests of the city. And no appropriation shall be made for any public improvements until the expense of such improvements shall be estimated

by the proper officers, and unless it shall be found by such estimates and a statement of the estimated cost of all other public works in progress and other probable expenses of the city, that all such works can be completed within due time by the ordinary surplus revenue of the city and the issue of such bonds as the council is by law authorized to issue.

To appropriate  
money.

*Second.*—To appropriate money and to provide for the payment of the debts and expenses of the city.

Health.

*Third.*—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Diseases.

*Fourth.*—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Water.

*Fifth.*—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns by drains, hydrants and reservoirs, in the streets within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Streets, &c.

*Sixth.*—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains or sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Bridges.

*Seventh.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and cross-ways, and regulate the construction and use of the same, and to abate any encroachments or obstructions thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or to wall them up and cover them over, and to prevent, regulate and control the fitting up, altering or changing the channels thereof by private persons.

Lighting of the  
streets.

*Eighth.*—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and side-walks.

*Ninth.*—To establish markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and the erection and location thereof, and to authorize their erection in the streets

and avenues of the city, and the continuation of such as are already erected within the same.

*Tenth.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds. Public grounds

*Eleventh.*—To erect and establish one or more hospitals or dispensaries, and control and regulate the same. Hospitals

*Twelfth.*—To prevent the incumbering of the streets, alleys, side-walks or public grounds, with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the side-walks and street gutters in front of the premises occupied by them. Incumbering the streets

*Thirteenth.*—To license, tax and regulate merchants, commission merchants, and all venders, dealers and traders in any goods, wares, merchandise, groceries or liquids, alcoholic liquors excepted only, as hereinafter provided, and inn keepers, brokers, money brokers, insurance brokers and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery keepers and keepers of ordinaries, theatricals or other exhibitions, shows and amusements. Licenses

*Fourteenth.*—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for cars, stages and public houses. Hackmen

*Fifteenth.*—To prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gambling. Billiard tables, &c.

*Sixteenth.*—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and no license shall be granted for more than thirty days, except with power reserved to the city council to revoke such license at pleasure. The city council shall have power to regulate, license, tax, prohibit and punish the sale of intoxicating, alcoholic or malt liquors, wine, cider, beer, soda water or all and any drinks whatever. Licenses

*Seventeenth.*—To regulate the license and tax the keeping and sale, by druggists or other persons authorized by the city council, of alcoholic liquors, for sacramental, medicinal Sales of intoxicating liquors.



or medical purposes, but to no other persons and for no other use or purpose whatsoever, except as hereinafter provided.

Forestalling,  
&c.

*Eighteenth.*—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Butchers.

*Nineteenth.*—To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

Lumber, &c.

*Twentieth.*—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Hay, &c.

*Twenty-first.*—To provide for the inspection and weighing of hay, lime and stone-coal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Wheat, &c.

*Twenty-second.*—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky, and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein contained shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Bread.

*Twenty-third.*—To regulate the weight and quality of bread, to be sold or used within the city, and the inspection thereof.

Bricks.

*Twenty-fourth.*—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Police.

*Twenty-fifth.*—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Riot.

*Twenty-sixth.*—To prevent and suppress any riot, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

Horse-racing.

*Twenty-seventh.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the city, and to authorize persons immoderately riding or driving as aforesaid to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

*Twenty-eighth.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and provide for the

arrest and punishment of persons found intoxicated in the streets or public places.

*Twenty-ninth.*—To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Horses, &c.

*Thirtieth.*—To prohibit and restrain the rolling of hoops, flying of kites or any other amusements or practices tending to annoy persons passing on the streets or side-walks, or to frighten horses or teams: to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods and all other noises, performances and practices tending to the collecting of persons on the streets or side-walks, by auctioneers and others, for the purpose of business, amusement or otherwise. Unnecessary disturbance.

*Thirty-first.*—To abate all nuisances which may injure or affect the public morals, health or comfort, in any manner they may deem expedient. Nuisances.

*Thirty-second.*—To do all acts and make all regulations which may be necessary or expedient for the protection and promotion of health, and the suppression of disease. Promote health

*Thirty-third.*—To compel the owner of any grocery, cellar, soap or tallow chandler, or blacksmith shops, tanneries, stable, privy, sewer or any other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants. Groceries, &c.

*Thirty-fourth.*—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, oil and such other substances as may be rendered, and all other establishments or other places where any nauseous, offensive or unwholesome business may be carried on. Breweries, &c.

*Thirty-fifth.*—To regulate the burial of the dead; to establish one or more cemeteries: to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises. Burial of dead.

*Thirty-sixth.*—To provide for the taking an enumeration of the inhabitants of the city. Census, &c.

Workhouse.

*Thirty-seventh.*—To erect and establish a workhouse or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such workhouse or house of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate's court, in and for the city, for any assault and battery, petit larceny or other misdemeanor or breach of any ordinance of the city punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city, may, instead of being committed to the county jail of Montgomery county, be kept therein subject to labor and confinement.

Care of juvenile  
vagrants.

*Thirty-eighth.*—To authorize and direct the taking up and providing for the safe-keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of parental care.

*Thirty-ninth.*—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as side-walk assessments.

Railroad tracks  
and depots in  
the city.

*Fortieth.*—To direct and control the laying out [and] construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets and alleys, and sewers, ditches and culverts when the city council shall deem necessary; to regulate the speed of locomotive engines within the inhabited portion of the city.

Peace, trade,  
&c., protected  
by ordinance.

*Forty-first.*—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution or laws of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to determine what shall be a nuisance and provide for the punishment, removal and abatement of the same; to enact and enforce the observance of all such rules, ordinances and police regulations, and to punish violations of the same by



finer, penalties and imprisonment in the county jail, city prison or workhouse, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offence; and such fine or penalty may be recovered with costs in an action of debt, in the name or for the use of the city, before any court having jurisdiction, or by presentment or indictment in the circuit court; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in a default thereof, may be imprisoned in the county jail, city prison or workhouse, or required to labor on the public streets or other public works of the city for such time and in such manner as may be provided by ordinance.

Pines and penalties.

#### ARTICLE VI.—*Of Taxation:*

§ 1. The city council shall have power within the city by ordinance—

*First.*—To levy and collect, annually, taxes not exceeding one per cent. on all real and personal estate and property within the city, and personal property of the inhabitants thereof made taxable by the laws of the state, for the purposes of the state, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund; and, also, on the same property, taxes not exceeding one-half of one per cent. which, with the personal tax, shall constitute the highway fund.

Taxes on property.

#### ARTICLE VII.—*Of Assessments for Opening Streets and Alleys.*

§ 1. The city council shall have power, upon the petition of the owners of two-thirds of the property fronting thereon, and without such petition, by the unanimous vote of the said city council, to open and lay out all public grounds or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct, straighten and discontinue the same; but no street, alley or highway or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. The city council shall cause all streets, alleys and highways, or public squares or grounds, laid out by them to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares.

Notice shall be  
given of open-  
ing streets.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice by two insertions in a weekly paper or six insertions in a daily paper, in the newspaper publishing the ordinances of the city; at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and at the same time determine what persons will be benefitted by such improvement, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement benefitted thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the councilmen authorized by law to be elected, shall be necessary to a choice of commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties, to the best of their abilities, before entering upon their duties; they shall give at least five days' personal notice of the time and place of their meeting for the purpose of viewing the premises and making their assessments, which notice shall be given only to the owners, who are residents thereof, and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings that  
interfere with  
improvements  
of streets to  
be removed  
and damages  
assessed.

§ 3. If there should be any buildings standing, in whole or in part, upon the land to be taken, the commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Notice.

§ 4. At least five days' notice shall be given to the owner, of such determination, when known and resident of the city, which may be given personally or in writing left at his usual place of abode. If a nonresident, or unknown, like notice to all persons interested shall be given, by one publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the commissioners. It shall also require the persons interested to appear by a day, to be named therein, not exceeding thirty days, or give notice of the election to the city council, either to accept the award of the commissioners and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners, to remove. If the owner shall agree to remove such building,

he shall have such reasonable time for that purpose as the city council may direct.

§ 5. If the owner refuse to take the building at its appraised value, to remove, or fail to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building, at public auction, for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use. Sale of such buildings.

§ 6. In making their assessment, the said commissioners shall ascertain the value of the land taken, all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners, respectively, and be a lien upon the property on which it may be assessed, and collected as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him for his share of the improvement; and, if more, the difference shall be paid him, in money, before the land is taken. Said commissioner shall particularly describe the lands and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the city council within ten days after its completion. Mode of assessing damages.

§ 7. The clerk shall give ten days' notice, by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the city council, unless objections are made to the same, by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to alter, confirm or amend the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing a warrant to issue for the collection thereof.

§ 8. The city council shall have power to remove the commissioners, and, from time to time, appoint others in place of such as may be removed, refuse, neglect, or are unable, from any cause, to serve. Power of city council to appoint commissioners and remove them.

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or agent cannot be found in the city, deposited to his or their credit in some safe place of deposit, other than the hands of the trustees [treasurer]; and then, and not before, such lands may be taken and appropriated for the purpose required in making



such improvements; and such streets, alleys or other highways or public ground, may be made and opened.

In regard to appeals.

§ 10. Any person interested may appeal from any final order of the city council for opening, altering or straightening any street, alley, highway or public ground, to the police court or circuit court. After the passage of said final order, said court shall hear and determine such appeal and confirm or annul the proceedings; from which appeal, no judgment or writ of error shall lie. Upon trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony, adduced to the court, or upon application of the city, or any party, the amount of damages may be assessed by a jury in said court, without formal pleading, and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the council for any omission or informality, without injury has resulted therefrom.

Proceedings against minors

§ 11. When any owner known, or other person having any interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceeding shall be had under this act, the judge of the circuit court or any judge of a court of record, may, upon the application of the city council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summons required by this act, shall be served on such guardian, and the final determination of either the common council or court in the premises, shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter.

#### ARTICLE VIII.—*Public Improvements and Assessments therefor.*

Streets.

§ 1. The city council shall have power, from time to time, upon the petition of the owners of two-thirds of the property fronting thereon, or without such petition, by the unanimous vote of the council, to cause any street, alley or other highway, or section thereof, to be graded, regraded, leveled, paved or planked, and keep the same in repair and alter and change the same; to cause side and cross-walks, main drains and sewers and private drains, or section thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same; to grade, improve, protect and ornament any public square or the public ground, now or hereafter laid out.

City taxes.

§ 2. The city council shall have power to assess and collect of the owners of lots or real estate on any street or other highway or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed

by ordinance, all expenses and damages for the purpose of grading, paving or planking such streets, side-walks, pavement or other highway. All owners or occupants of lots or lands in front of or adjoining, or upon whose premises the city council shall order and direct side-walks or private drains or gutters, communicating with any main drain to be constructed, graded, paved, planked, repaired, relaid or cleansed, or shall declare any such lands or lots to be nuisances and order the same to be graded, filled up and drained or otherwise improved, shall make, grade, pave, plank, repair or relay such side-walk or make or cleanse such private drain or grade, fill up, drain or otherwise improve such lot or lands at their own costs and charges within the time and manner prescribed by ordinance or otherwise, and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, paved, planked, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense and damage thereof by an order to be entered in their proceedings upon the lots and lands respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner of such premises for the recovery of such expenses as for money paid and laid out to his use at his request.

§ 3. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may likewise be collected by the owner or occupant of such premises, in a suit, for money expended to his or their use; and in case the same should not be chargeable to any real estate suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Removal of any  
nuisances.

§ 4. The city council shall have power to compel the owners of lots or grounds fronting or adjoining any public or private alley, to keep the same clean, and if necessary, to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as side-walk assessments.

#### ARTICLE IX—*Collection of Taxes and Assessments.*

§ 1. The annual assessment lists shall be returned by the assessor on or before the first day in May in each year; but the time may be extended by the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and the clerk shall give one week's notice of the time and place of such hearing by one publication in the newspaper publishing the ordinances of the city; and

Assessment list

any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The city council shall have power to supply omissions in said assessment lists, and for the purpose of equalizing the same, alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor with instructions to revise and correct.

Assessment list  
to be filed.

§ 2. When the assessment lists have been corrected and received, the same shall be filed and an order confirming and directing the warrant to be issued for the collection thereof, shall be entered by the clerk. The city council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding one per cent. for general purposes, one-half of one per cent. for highway purposes and two per cent. for school purposes, and in their discretion, specifying the purposes for which the same are levied, and if not for general purposes, the division of the city upon which the same are laid.

2n.

§ 3. All taxes and assessments, general or special, levied or assessed by the city council under this act or any ordinance in pursuance thereof, shall by [be] a lien upon the real estate upon which the same may be imposed, voted or assessed for two years from and after said first day of May, and on personal estate from and after the delivery of the warrant for the collection thereof until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real estate, and the real estate shall be liable for the taxes on personal estate in case of removal: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other judicial proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years, from and after the final disposition of such injunction or other judicial proceedings.

action.

Warrants for  
taxes.

§ 4. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person, or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

§ 5. All warrants issued for the collection of general or special taxes and assessments shall be signed by the mayor and clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be collected, and shall be delivered to the city marshal for collection by the first day of June, unless further time be given by the city council, of which he shall give notice by publication in the newspaper publishing the city ordinances. The marshal shall thereupon proceed to the collection of said taxes; but he shall in no case be compelled to make personal call or demand for the



same. If not otherwise paid by the first day of July following, the marshal shall have power to collect said taxes, with interests and costs, by suit in the the corporate name of the city or by distress and sale of personal property. And the marshal shall be a competent witness, and the warrant to him as aforesaid, evidence on the part of said city.

§ 6. All taxes or assessments, general or special, shall be collected by the collector, in the same manner and with the same powers and authority as is given by law to collectors of county and state taxes; and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the city council shall have power to prescribe the powers, duties, compensation and liabilities of the collector by ordinance.

City marshal to have the power of county collectors.

Proviso.

§ 7. In case of the nonpayment of any taxes or assessments levied or assessed under this act by the first day of July of each year, the premises may be sold at any time thereafter within two years. Before such sale an order shall be made by the city council, which shall be entered at large on the journals or records, particularly describing the delinquent premises to be sold and the amount of taxes for which the sale shall be made, besides the costs, which costs need not then be ascertained, and directing sale thereby to be made by the marshal, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the marshal, and shall constitute the process upon which such sale shall be made.

Nonpayment.

§ 8. The marshal shall then advertise such premises in the newspaper publishing the ordinances of the city for sale, at least thirty days from and after the first publication of such notice, describing the premises, by figures or otherwise, with the name of the owner, when known, and the several amounts and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings for the sale of any piece of ground may be stopped at any time on the payment of taxes or assessment and interest, with expenses of advertising the same.

Advertisement

§ 9. All sales shall be conducted in the manner required by law; but the city council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the collector, one of which shall be delivered to the purchaser and the other filed in the office of the clerk; which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments thereon, with interest and expenses for which

Manner of conducting sales.

the same was sold and when the time to redeem will expire. The marshal shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

The right of redemption.

§ 10. The right of redemption in all cases for sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent that it is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold; and all taxes accruing, chargeable or paid on the premises subsequent to the sale [with] interest. In case of redemption the money may be paid to purchaser or to the person entitled to the same or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed accordingly, the city council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city council and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where the tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

Assignees.

§ 11. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser: *Provided*, he or they, through whom he claims, shall have paid all taxes and assessments made since such sale on said premises.

Purchase city.

by

§ 12. If at any sale of real or personal estate for taxes or assessments, no bids shall be made for any parcel of land or any goods or chattels, the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales. All persons, before they shall be entitled to a deed for premises sold for the nonpayment of taxes, shall comply with section 4, article 9, of the constitution of this state, and shall produce to the proper officer the proof thereof.

Title

§ 13. All sales of lands or lots for nonpayment of taxes contemplated by this act and deeds made to purchasers or their assignees for the same, shall convey to the holder of such deed a perfect title in fee simple to said land or lot, and in all suits and controversies in relation thereto any person claiming such title shall be compelled to prove only the order of the city council directing the sale and the process upon which the sale was made, as provided for in section

seven, of article nine, of this act; and persons claiming title adversely thereto shall be permitted to defeat such title by proving that such land or lot was not subject to taxation at the time of the assessment, or that the taxes were paid or land or lot redeemed according to the provisions of this act; but no person shall be permitted to question the title acquired by said deed without first showing that he or they or those under whom he or they claim have paid the full amounts of taxes, costs, expenses and assessments made on the said land or lot since said sale for taxes, or that the same has been deposited with the city treasurer for the use of the one entitled to receive it.

### ARTICLE X—*Fire Department.*

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the rebuilding of wooden buildings; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances, and to require and cause the same to be abated or removed in such manner as they shall prescribe. Fire limits.

§ 2. The city council shall have power—  
*First.*—To regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys. Construction of chimneys and flues.

*Second.*—To prevent and prohibit the dangerous construction of chimneys, flues, fire-places, stove-pipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

*Third.*—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosure to examine and discover whether the same are in a dangerous state, and to cause such as are dangerous to be put in a safe condition. Ashes.

*Fourth.*—To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises. To provide fire buckets.



*Fifth.*—To regulate and prevent the carrying on of manufactories and works dangerous in promoting and causing fires.

Fire-works and  
fire-arms. *Sixth.*—To regulate, prevent and prohibit the use of fire-works and fire-arms.

Gunpowder,  
&c. *Seventh.*—To prohibit or have the management of houses for storing of gunpowder or direct and prohibit other and dangerous materials within the city; to regulate the keeping and conveying the same, and the use of candles and other lights in stables and other like houses.

Walls and fences. *Eighth.*—To regulate and prescribe the manner and order of the building of parapet and partition walls and of partition fences.

Scuttles. *Ninth.*—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, stairs or ladders leading to the same.

*Tenth.*—To authorize the mayor, fire wardens or other officers of the said city to keep away from the fires all and any suspicious persons, and to compel all officers of the city and all other persons, to aid in the extinguishment of fires and in the preservation of property exposed to damage or danger thereat, and in preventing goods from being stolen.

General regulations. *Eleventh.*—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the control and charge of the same, and provide secure and fit houses and other places for keeping and preserving the same, and shall have power—

Fire companies *First.*—To organize fire, hook, hose, ax and ladder companies.

*Second.*—To appoint, during their pleasure, a competent number of able and respectable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

*Third.*—To prescribe the duties of firemen and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct to remove them.

Engineers. *Fourth.*—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

ARTICLE XI—*Board of Health.*

§ 1. A board of health, consisting of three or more Board of health commissioners, may be appointed, annually, by the city council, and the mayor or presiding officer of the city council shall be president of the board; and the city clerk shall be their clerk, and keep minutes of their proceedings.

§ 2. It shall be the duty of health officers to visit every Visiting of sick persons. sick person who may be reported to them, as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious diseases, or to contain unsound provisions or damaged or putrid animal or vegetable matter or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disorder, or all things which in the opinion of the board shall be infected by or tainted with pestilential matter and ought to be removed so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles, beyond the limits of the city, to be provided by the board, at the expense of the person to be removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation. Of infectious or contagious diseases.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and punish, by fine or imprisonment or both, any refusal or neglect to observe the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise for the time being, such of the powers and perform such of the duties of marshal or street commissioner as the city council may in their discretion direct; and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty under this act, or any ordinance. Other powers of health officers.

§ 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report, in writing, to the clerk of the board, and for neglect to do so, shall be considered guilty of a misdemeanor, and liable to a fine not exceeding fifty dollars, to be sued for and recovered with costs in an action of debt, in any court having cognizance thereof, or before a justice of the peace, for the use of said city. Physicians are required to report cases.

ARTICLE XII—*Of School and School Fund.*

Common  
school district.

§ 1. All those parts of townships number eight (8) and nine (9) north, of range five (5) west of the third (3) principal meridian, lying within the corporate limits of said city of Litchfield, as defined in article I of this act, with such other parts of said townships as may be incorporated with and come under the jurisdiction of said city, is hereby created into a common school district, to be known as the "Litchfield School District."

Division of the  
school fund.

§ 2. The school land, school fund, and all other real and personal estate of said townships, shall be divided between the said city of Litchfield and the portions of the townships lying without the limits thereof, in the proportions and manner following: The trustees of schools of each of said townships shall, within three months from the passage of this act, appoint two commissioners, who shall be respectable householders, one of whom shall reside in the city and the other in the portion of the townships out of the city, who, after being duly sworn well and truly to perform their duties, shall proceed to ascertain, as nearly as may be, the whole number of white persons under the age of twenty-one years, residing in the whole of their respective townships, and the whole number residing in said city and without said city, in the said townships, and thereupon the said trustees of each of said townships shall divide and apportion the aforesaid township fund and real and personal estate between said city and said townships without said city, in the proportion of and according to the number of persons aforesaid, residing within the city and without the city, in the said townships, respectively; and the said commissioners shall have power to make partition of and division of all the funds and real and personal estate belonging to said townships between the city and the portions of townships without the city, in the proportions aforesaid, and having completed the same, shall make a full return of their proceedings to the trustees aforesaid. In case the said commissioners shall refuse or neglect to perform their duties the trustees shall appoint others in their stead, who shall be chosen, sworn and perform the like duties assigned to the first commissioners; and the trustees shall have power to fill vacancies and make appointments until the objects of this act are carried into effect; and if the trustees shall refuse to make such appointments or neglect to make them within three months of the passage of this act, then the county school commissioner of Montgomery county shall be empowered to make them, and all the duties assigned by this article to the trustees shall, in the event of such refusal or neglect, be assigned to him.

Deliver funds,  
&c.

§ 3. The trustees of schools of said township shall, upon such decision, partition and return of the commissioners being made, pay over and deliver to the clerk of the city of



Litchfield the funds and other personal estate, and make, execute and deliver to the said city of Litchfield all necessary deeds and other conveyances for the distributive share of the real estate of said townships to which the said Litchfield school district may be entitled, according to the division and distribution aforesaid, and take receipts for the same from the clerk.

§ 4. It shall be the duty of the city council to cause an Abstract. abstract of the whole number of white children under the age of twenty-one years, in the Litchfield school district, to be furnished to the school commissioner of Montgomery county within ten days after the same shall have been ascertained; and the school commissioner shall annually pay to the clerk of the city of Litchfield the proportion of the school, college and seminary fund to which the said Litchfield school district may be entitled, according to the number of persons under the age aforesaid, residing in said district, taking his receipt therefor; but no abstract shall be required to be returned to the school commissioner oftener than it is required by law in other school districts.

§ 5. The school land, school fund and other property of Property vested in the city. the Litchfield school district shall be vested in the city of Litchfield. The city council shall have power at all times to do all acts and things in relation to said school land, school fund and other property which they may think proper to their safe preservation and efficient management, and sell or lease said lands and all other property which may have been or may hereafter be donated to the school fund, on such terms and at such times as they may deem most advantageous, and on such sale or lease to make, execute and deliver all proper conveyances, which said conveyance shall be signed by the mayor or presiding officer and countersigned by the clerk, sealed with the corporate seal; but the proceeds arising from such sales shall be added to and constitute a part of the school fund.

§ 6. Nothing shall be done to impair the principal of Fund. said fund or to appropriate the interest accruing from the same to any other purpose than the payment of the teachers in the public schools of the district; and should there be any surplus of interest, it shall be carried to and form a part of the school fund.

§ 7. The city council shall have power— Powers of council.  
*First.*—To erect, hire or purchase buildings suitable for Buildings. school houses, and keep the same in repair.

*Second.*—To buy or lease sites for school houses, with the Sites. necessary grounds.

*Third.*—To furnish schools with the necessary fixtures, Furniture. furniture and apparatus.

*Fourth.*—To maintain, support and establish schools, and Taxes. supply the inadequacy of the school fund for the payment of city teachers from school taxes.

- Teachers' salary. *Fifth.*—To fix the amount of compensation to be allowed to teachers.
- Books and studies. *Sixth.*—To prescribe the school books to be used and the studies to be taught in the different schools.
- School districts. *Seventh.*—To lay off and divide the city into smaller school districts, and, from time to time, alter the same or create new ones, as circumstances may require.
- Board of inspectors. *Eighth.*—The city council shall be *ex officio* directors of schools; but they may appoint four inspectors, to be denominated a "Board of School Inspectors;" also two trustees of schools in each district, and establish and prescribe the powers and duties of each.
- General powers. *Ninth.*—And generally to have and possess all the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to the said school district, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.
- School agent. § 8. The city council shall have power to appoint a school agent, who shall have the custody and management of the money, securities and property belonging to the school fund of the district, subject to the direction of the city council.
- Bonds, &c. § 9. The school agent, before entering upon his duties, shall give bonds in such amount and with such conditions and securities as the city council may require; his compensation shall not be paid out of the school fund, and he shall be subject, for misconduct, to the same penalties and imprisonment as county school commissioners are or may be subject to by law.
- Loan of school fund. § 10. The school fund shall be kept loaned at interest at the rate of ten per cent. per annum, payable semi-annually in advance. No loan shall be made for a longer period than five years, and all loans exceeding one hundred dollars shall be secured by unincumbered real estate of double the value of the least sum loaned, exclusive of the value of perishable improvements thereon. For sums less than one hundred dollars, two good securities beside the principal shall be required: *Provided*, the city council shall have power to increase the rate of interest by a vote of two-thirds of all the aldermen elected.
- Notes taken. § 11. All notes and securities shall be taken "to the city of Litchfield for the use of the inhabitants of said city for school purposes," and in that name all suits, actions and every description of legal proceedings may be had.
- Expenses. § 12. All expenses of preparing or recording securities shall be paid exclusively by the borrower.
- Deceased persons. § 13. In the payment of the debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

§ 14. If default be made in the payment of interest or Default.  
of the principal, when due, the same may be recovered by  
suit or otherwise.

§ 15. All judgments recovered for interest or principal Judgments.  
or both, shall respectively bear interest at the rate specified  
in the note from the rendition of judgment until paid, and  
in case of the sale of real estate thereon, the city of Litch-  
field may become the purchaser thereof, for the use of the  
school fund, and shall be entitled to the same rights given  
by law to other purchasers. On redemption, ten per cent.  
interest shall be paid from the time of sale.

§ 16. No costs made in the course of any judicial pro- Costs.  
ceeding in which the city of Litchfield, for the use of the  
school fund, may be a party, shall be chargeable to the  
school fund.

§ 17. If the security on any loan should at any time Security.  
before the same is due, become, in the judgment of the  
school agent and city council, insecure, the agent shall  
notify the person indebted thereof, and unless further satis-  
factory security shall be forthwith given by the debtor,  
judgment may be recovered thereon, as in other cases,  
although no conditions to that effect be inserted in the note  
or other security.

§ 18. The council shall annually publish, at such times Publications.  
as may be prescribed by ordinance, in the newspaper pub-  
lishing the ordinances of the city, a statement of the num-  
ber of pupils instructed in the year preceding, the several  
branches of education pursued by them, and the receipts  
and expenditures of each school, specifying the sources of  
such receipts and the object of such expenditures.

§ 19. The school tax shall be paid into the city treasury School tax.  
and be kept a separate fund for the building of school  
houses and keeping the same in repair, and supporting and  
maintaining schools; and should there at any time be a sur-  
plus, the same may be paid over to the school fund and form  
a part of the same.

§ 20. Any person owning land or residing around or Annex to Litch-  
adjacent to said city, within two miles thereof, may, with field district.  
his consent and the consent of the trustees of his township,  
be annexed to said Litchfield school district, and school tax  
may be levied and collected upon the lands and property of  
such person, subject to taxation by the city collector in the  
same manner as school taxes within the said district.

### ARTICLE XIII.—*Miscellaneous Provisions.*

§ 1. The city council shall, at least ten days before the Yearly state-  
annual election in each year, cause to be published in the ment of fi-  
newspaper publishing the ordinances of the city, a correct nances to be  
and full statement of the receipts and expenditures from the published.  
date of the last annual report, together with the sources



from which the former are derived and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the several wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Exemption.

§ 2. The inhabitants of the city of Litchfield are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

§ 3. The city council may provide for the payment of the city attorney's and prison keeper's fees when they can not be collected from the offender; but said city, or any person prosecuting on its behalf, shall not in any case be compelled to pay or give security for costs before commencing suit, nor at any other time, until it is ascertained they can not be made out of the defendant.

Fines.

§ 4. All fines, forfeitures and penalties collected for offences committed within said city shall belong to said city and shall be paid into the treasury thereof by the officers collecting the same.

Survey of city property.

§ 5. The city council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered in consecutive numbers from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance; and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of such blocks, lots or fractional blocks; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

To establish boundaries of streets.

§ 6. The street commissioner, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine.

Fines and penalties.

§ 7. Neither the city council nor mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall any thing in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction by indictment or otherwise.

Reconsideration.

§ 8. No vote of the city council shall be considered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present

as large a number of aldermen as was present when the vote was taken.

§ 9. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemetery.

§ 10. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after its passage thereof, be published three [days] when there is a daily paper published, otherwise once in a weekly paper: *Provided*, the proof of such publication shall not be necessary, unless it is denied under oath; and such publication may be dispensed with entirely, in cases of emergency, by the unanimous vote of the council; and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places. Publication.

§ 11. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance by law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt, for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it; or the defendant may be tried by presentment in the court of common pleas. Actions and suits at law.

§ 12. In all prosecutions for any violation of any ordinance, by law or regulation, the first process shall be a summons, unless oath or affirmation be made for warrant, as in other cases; and the council may provide for issuing the warrant in the instance, without oath.

§ 13. The city magistrate shall have concurrent authority with justices of the peace under the laws of this state, and in the event of his office becoming vacant, or his inability to attend to its duties for a time, the city council shall [have] power to designate any neighboring magistrate, who shall attend to the said duties until the vacancy shall [be] filled or he be able to return to the duties thereof. City magistrate.

§ 14. All executions and other civil process by said city magistrate shall be governed by the rules as are now provided by law for judgments and executions of ordinary justices of the peace. Executions.

§ 15. Any person who shall destroy or injure any bridge or any public building or any other property belonging to the city, or shall cause or procure the same to be injured, shall be subject to a penalty not exceeding five hundred dollars for such offence, and may be imprisoned not exceed- Injuries to public property.

ing six months, in the discretion of the court before whom such conviction may be had, and such person may also be liable in a civil action at the suit of the city or any person injured thereby, for the damages occasioned by such injury or destruction.

Disqualifica-  
tion.

§ 16. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of the said city of Litchfield, in any action or proceeding in which the said city may be a party or [in] interest.

Printed laws of  
the city.

§ 17. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof, which shall not be required until denied under oath.

Style.

§ 18. The style of all ordinances shall be: "*Be it ordained by the City Council of the City of Litchfield.*"

§ 19. Any tracts of land adjoining said city, which are now or may hereafter be laid out into blocks or lots of five (5) acres or less, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof, and the city council shall have power, upon petition of the owner of the property, to reduce the boundaries of the city not exceeding one half mile in any direction.

Prohibition.

§ 20. Neither the mayor nor any member of the city council shall, during the period for which he was elected, receive any compensation for his services, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury or by fees directed to be paid by any act or ordinance of the city council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the city council.

§ 21. All officers of the city, created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such persons in custody, or over the Sabbath, in the watchhouse or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers as conservators of the peace as the city council may prescribe.

§ 22. No lands used for agricultural purposes, exceeding twenty (20) acres, within the corporate limits, shall be subject to a corporation tax for the ordinary expenses of the city.

Digest of ordi-  
nances.

§ 23. There shall be a digest of the ordinances of the city which are of a general nature, published within one



year after the passage of this act, and a like digest within every period of five years thereafter.

§ 24. The fees for publishing ordinances, notices and other matter required by this act or any ordinance under it, shall not exceed sixty cents per folio for the first, or 30 cents per folio for each subsequent publication. Fees for publishing.

§ 25. At least two weeks before the annual election, the city clerk shall publish in the newspaper publishing the ordinances of the city an election notice, which shall state the time and place of, and the officers to be elected at, such election; and the like notice shall be given of all special elections. Election notices.

§ 26. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage and publication in Litchfield; there being sufficient emergency, in the judgment of the legislature, to dispense with the lapse of sixty days before this act goes into effect. Public act.

§ 27. The act entitled "An act for the better government of towns and cities and to amend the charter thereof," approved February 27, 1854, shall be constituted a part of this charter of the city of Litchfield, the same as if specially recited. Act incorporated.

§ 28. The city magistrate, who shall be elected biennially and hold his office until the election and qualification of his successor, shall have original and exclusive jurisdiction in all suits under this charter or any ordinances passed in accordance therewith. Jurisdiction.

§ 29. Any acts or parts of acts contrary or inconsistent with any of the provisions of this act are hereby repealed. Repeal.

APPROVED February 16, 1859.

AN ACT to amend an act entitled "An act to consolidate the several acts under which the city of Macomb was incorporated, and to amend the same," approved Feb'y 14, 1857. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in case the city council of said city of Macomb shall fail or refuse to publish the statement required to be published by the first section of article thirteen of said act, as therein provided, for thirty days after the same is required to be published by said section, then each member of said city council shall forfeit the sum of fifty dollars for such failure or refusal, to be recovered in the name of the people of the state of Illinois, in an action of debt, before any justice of the peace of said county. Refusal to publish statement

Railroad sub-  
scriptions.

§ 2. That hereafter said city council shall not have power to subscribe to the capital stock of any railroad, or to become in any manner interested in any such road, without the consent of a majority of the legal voters of said city, expressed at an election to be held in said city, which election shall be conducted in the same manner as is required by the laws of this state now in force, authorizing counties, cities and towns to subscribe to the capital stock of railroad companies.

§ 3. This act to be in force from and after its passage.  
APPROVED February 24, 1859.

In force Febru-  
ary 24, 1859.

AN ACT to repeal an act entitled "An act to incorporate the city of Marshall," approved February 15th, 1855.

Act repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the city of Marshall," approved February 15th, 1855, be, and the same is hereby repealed.

Collection of  
taxes.

§ 2. That the passage of this act shall in nowise interfere with the collection of the taxes levied for the year 1858, within the limits of said city for city purposes, by the authorities thereof, nor with the common council of said city, nor with any officer thereof, in the disposition and application of the same, as contemplated by the above recited act.

This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Febru-  
ary 18, 1859.

AN ACT to amend an act entitled "An act to incorporate Metropolis City," approved February 25th, 1845.

# ARTICLE I.—Of Boundaries and General Powers.

Name.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the inhabitants of the town of Metropolis city, in the county of Massac and state of Illinois, be, and are hereby constituted a body politic and corporate, by the name and style of "The City of Metropolis," and by that name shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure.

§ 2. The corporate limits and jurisdiction of the city of *Limits.*  
Metropolis shall extend over, and include within the same,  
all that district of country situated in the county of Massac,  
state of Illinois, embraced within the present limits of the  
town of Metropolis City, and all that district of country laid  
off into blocks and lots or blocks adjoining the recorded  
plat of said town of Metropolis City.

§ 3. The inhabitants of said city, by the name and style *Powers.*  
aforesaid, may sue and be sued, implead and be impleaded,  
defend and be defended, in all courts of law and equity, and  
in all actions whatsoever, and shall have power to purchase,  
receive and hold property, real or personal, in said city; to  
purchase, receive and hold property, real or personal, beyond  
the city limits, for burial grounds and other purposes, for  
the use of the inhabitants of said city; to sell, lease and con-  
vey such property, for the benefit of said inhabitants, and to  
improve and protect the same, and to do all other acts  
thereto as natural persons.

§ 4. The present board of trustees of the town of Me- *Wards.*  
tropolis City shall, on the first Monday in March next, or  
as soon as practicable thereafter, and prior to the first Mon-  
day in April next, by ordinance, divide the said city of Me-  
tropolis into three wards, as nearly equal in population as  
practicable, and particularly describe the boundaries of each  
ward, by causing to be posted two written copies of such  
ordinance in each ward.

§ 5. Any tract of land within eighty rods of the limits *Additions.*  
of said city, laid off into town lots, may be included within  
the limits of said city, by ordinance.

## ARTICLE II.—*Of City Council.*

§ 1. There shall be elected by the qualified voters of said *Council.*  
city, a city council, to consist of a mayor and board of  
aldermen.

§ 2. The board of aldermen shall consist of two mem- *Aldermen.*  
bers from each ward, and no person shall be an alderman  
unless at the time of his election he shall be a qualified  
voter, and shall have resided twelve months within the limits  
of the city.

§ 3. If any alderman shall remove from the ward for *Removal.*  
which he was elected, his office shall thereby be vacated.

§ 4. The city council shall judge of the qualifications, *Qualifications.*  
elections and returns of their members, and shall determine  
all contested elections, and shall have power to make rules  
to govern its meetings, and to punish its members for dis-  
orderly conduct.

§ 5. A majority of the council shall constitute a quorum *Quorum.*  
to do business, but a smaller number may adjourn, from day  
to day, and fine absent members for nonattendance.



- Journal. § 6. The council shall keep a journal of its proceedings, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.
- Oath. § 7. The mayor and aldermen, before entering upon their duties, shall take an oath to support the constitution of the United States and of this state, and that they will well and promptly perform the duties of their office to the best of their ability.
- Vacancy. § 8. All vacancies that may occur in the city council shall be filled by election, and whenever there is a tie in the election of mayor or aldermen, the judges of election shall certify the same to the city council, who shall determine the same, by lot.
- Meetings. § 9. The city council shall meet for business on the second Saturday in each month, and at such other times as may be necessary, upon the call of the mayor or any two members of the council.
- Officers. § 10. The city council shall have power to appoint a treasurer and a clerk, who shall also be assessor.

### ARTICLE III—*Of the Mayoralty.*

- Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year, and until his successor shall be elected and qualified.
- Duty. § 2. The mayor shall preside at all meetings of the council, and shall have a casting vote, and no other; and, in case of his nonattendance upon any meeting of the council, the board of aldermen shall appoint one of their number chairman, *pro tem*.
- § 3. The mayor shall, at all times, be active and vigilant in enforcing the laws and ordinances for the government of the city, and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said city, and to give notice of their negligence or violation of duty to the council, and at the regular meeting in July, October, January and April, to communicate, in writing, to the aldermen such information, and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city, and the city council shall have full power to enact all ordinances necessary to carry out such recommendation.
- Salary. § 4. The mayor shall receive for his services such salary as shall be fixed by an ordinance of the city, and in case of his neglect or omission of duty, he shall be removed by the board of aldermen, who may hold a special meeting, appointing one of their number chairman, having notified said mayor of such meeting, and try and remove him for such neglect or omission.

ARTICLE IV.—*Elections.*

§ 1. On the first Monday in April next, an election shall be held in each ward of said city for one mayor for the city, and two aldermen for each ward, who shall hold their offices until their successors are elected and qualified, and forever thereafter, on the first Monday in June of each year, an election shall be held for a mayor for the city, and two aldermen for each ward, who shall hold their offices for one year, and until their successors are elected and qualified. Election.

§ 2. All free white male inhabitants who have been residents of said city for twelve months previous to any election, shall be legal voters: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other, and that no vote shall be received at any of said elections unless the voter offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election. Voters.

§ 3. The judges of the election to be held on the first Monday in April next, shall be appointed by the trustees of the town of Metropolis City, and for all elections thereafter, the city council shall appoint three judges at their regular meeting in July, or as soon as convenient thereafter, to sit at all city elections, and also two clerks of elections, who shall be paid out of the city treasury, as may be directed by ordinance. Judges of election.

§ 4. The judges of any city election within five days after such election shall deliver the poll books to the mayor, who shall immediately call a meeting of the council, who shall examine the poll books and enter the result of the election on their journal, and if the persons elected do not take the oath of office within ten days after said election, required in section seven, article two of this act, their office shall be declared vacant, and a new election ordered. Returns.

§ 5. The trustees of Metropolis City shall cause public notice to be given of the election to be held for mayor and aldermen, and city judge and marshal, on the first Monday in April next, by posting two written notices in the most public places of each ward, or by publishing such notice in a newspaper printed in Metropolis City, at least ten days before such election, and for all city elections thereafter the council shall, in like manner, give public notice of such election. Notice.

ARTICLE V.—*City Judge and Marshal.*

§ 1. There shall be elected at the same time, and in the same manner as the city council, a city judge and city marshal, who shall hold their offices for one year, and until their successors are elected and qualified; and the city judge and

marshal, elected at the election to be held on the first Monday in April next, shall hold their offices until the first Monday in June, 1860, and until their successors are elected and qualified.

Justice peace.

§ 2. The city judge is hereby constituted a justice of the peace, and shall be commissioned by the governor and qualify as other justices of the peace and shall have jurisdiction within the city limits in all actions of debt and assumpsit for sums over one hundred dollars, and not exceeding three hundred dollars, and in such suits shall receive the same fees as the circuit clerk, and in all other suits and for sums of one hundred dollars and less he shall have concurrent jurisdiction with justices of the peace of Massac county, and receive the same fees. He shall have exclusive jurisdiction in all suits for the violation of the ordinances of the corporation, except in case of his absence or inability to try such suit, in which case any justice in said city shall have jurisdiction thereof. He shall have power and it is hereby made his duty, when any person is found guilty of violating any ordinance, to impose upon him such punishment, by fine or imprisonment, as may be fixed by ordinance and none other, and to order him to be held in custody by the marshal until the fine and costs are paid: *Provided*, that no person shall be fined for violating any ordinance more than fifty dollars nor imprisoned more than thirty days. He shall also have power to fine and imprison for contempt of his court when in session. He shall hold a session of his court for the trial of causes on every Monday, and shall keep the same open from day to day, if necessary, until all the business before him is disposed of, and shall have and keep a docket similar to the docket of the circuit court.

Proviso.

Collector, &c.

Proviso.

Violations of ordinances.

§ 3. The city marshal shall also be collector of the city revenue, street commissioner and market master, and shall have power to appoint one deputy, in writing: *Provided*, the city council, whenever they deem it expedient, may appoint some other person to the office of street commissioner and market master. He shall promptly arrest all violators of any ordinance, and carry them before the city judge, and shall have power to summon witnesses, without written subpoena, to appear and give evidence against such violators, and upon the failure of such witnesses to attend the city judge shall forthwith issue a writ of attachment against them. And the city judge shall proceed to the trial of such offenders forthwith, or as soon as the witnesses can be brought before him. And if either the city or the offender is not ready for trial, the city judge may continue the trial, not more than three days, and may admit the offender to give bond for his appearance before said judge, at the time named therein; which bond shall be made payable to the city of Metropolis and collectable by action of debt before the city judge. Any person who is fined for breach of any



ordinance may replevy the same, by giving security for the payment of such fine and costs within three months; and at the expiration of three months, if the fine and costs be not paid, the city judge shall render judgment against the principal and his securities and forthwith issue execution thereon, directed to the city marshal. And any person fined for violating any ordinance may pay such fine by labor on the streets of said city, under the direction of the marshal, in such manner as may be determined by ordinance.

§ 4. All process issued by the city judge shall be directed to the city marshal, who shall receive the same fees as are allowed to a sheriff, unless changed by ordinance. Process.

§ 5. The marshal is hereby made a conservator of the peace, and shall have power to summon any white male inhabitant of said city, over the age of eighteen years, to aid him in arresting or securing an offender against the laws of this state or any ordinance of said city; and any person failing to assist him, when so summoned, shall be reported by said marshal to the city judge and punished in such manner as may be provided by ordinance. Marshal.

§ 6. He shall receive a salary of two hundred dollars per annum, besides his fees; and upon any omission or neglect of duty he shall be removed by the city council, who shall appoint his successor until the next regular election. One hundred dollars of said salary shall be paid out of fines assessed and collected in said city, and in no other way. Salary.

§ 7. The city marshal shall act as street commissioner and market master, and perform such duties as may be prescribed by ordinance. Street commissioner.

## ARTICLE VI—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or this state. Taxes.

§ 2. The city council shall have power to require of all officers, elected in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and, also, to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money and pledge the revenue of the city for the payment thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum. Bonds. Proviso.

- Diseases.** § 3. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same within five miles of the city.
- Health.** § 4. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.
- Streets.** § 5. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve avenues, streets and alleys and other public highways.
- Wards.** § 6. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as occasion may require.
- Night watches.** § 7. To establish, support and regulate night watches.
- Markets.** § 8. To erect market houses, to establish market places, and provide for the government and regulation thereof.
- Public buildings.** § 9. To provide for all needful buildings for the use of the city.
- Public grounds** § 10. To provide for the inclosing, improving and regulating all public grounds belonging to the city.
- Auctioneers, &c.** § 11. To license, tax and regulate auctioneers, trading boats, merchants, retailers, grocers, taverns, hawkers, peddlers, and brokers.
- Hacks, &c.** § 12. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.
- Shows.** § 13. To license, tax and regulate theatrical and other exhibitions, shows, and amusements.
- Shipping houses.** § 14. To license, restrain, prohibit and suppress tippling houses and dram shops.
- Constables.** § 15. To regulate the storage of gun-powder, tar, pitch, rosin and other combustible materials.
- Taxes.** § 16. To provide, by ordinance, for the manner and time of assessing and collecting city taxes, where the same may not be fully provided in this charter.
- Inspection.** § 17. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire wood, and other fuel to be used or sold in the city.
- Census.** § 18. To provide for the taking the enumeration of the inhabitants of the city.
- Officers.** § 19. To regulate the election of city officers and to provide for the removing from office any person holding an office created by ordinance.
- Compensation.** § 20. To fix the compensation, by fees, commission or otherwise, and regulate the fees of jurors, witnesses and others for services rendered under this act, or any ordinance.
- Police.** § 21. To regulate the police of the city, to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such

ines and forfeitures, and the enforcement of such penalties.

§ 22. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or this state. Ordinances.

§ 23. The style of the ordinance of the city shall be, *Style.*  
*"Be it ordained by the City of Metropolis."*

§ 24. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper in the city, or by posting one copy of each ordinance in each ward, and shall not be in force, except, as aforesaid, until they shall have been published, as aforesaid, for five days. Publication.

§ 25. All ordinances may be proven by the seal of the corporation, or the oath of the city clerk; and when printed and published in book or pamphlet form, and purporting to be published by authority of the corporation as in force the same shall be received in evidence in all courts and places, without further proof. Proof.

## ARTICLE VII.

§ 1. All real estate and personal property within the limits of the city of Metropolis shall be subject to taxation, by the city council, for the use and benefit of said city. Taxation.

§ 2. The assessor shall prepare an assessment roll, with the following caption, in substance: "An assessment roll of all the real and personal property within the limits of the city of Metropolis, made by the assessor of said city, for the year 18 , " and shall set down, in separate columns— Assessment roll.

*First.*—The names of all the owners, if known, of real estate within the limits of said city. If the owner is unknown it shall be so stated.

*Second.*—The description of the real estate, opposite the name of the owner, or the word "unknown."

*Third.*—The value of the real estate opposite the description.

*Fourth.*—The amount of tax assessed opposite the value. Said assessment roll shall also contain, in parallel columns—

*First.*—The names of the owners of personal property, subject to taxation, in alphabetical order.

*Second.*—The assessed value of the personal property taxed to each individual.

*Third.*—The amount of tax on each individual's personal property.

§ 3. After the said assessment roll shall have been thus completed, the assessor shall attach his certificate to said roll, certifying that said roll is true and correct, according to his best information, and said roll so certified, shall, on or Certificate.



before the second Saturday in July of each year, be returned to the city council in session, or to the mayor.

§ 4. Previous to the second Saturday in August of each year the said assessment roll may be inspected by any person interested in the same. At the regular meeting of the council, on the second Saturday in August of each year, and not afterwards, the said council shall hear the application of any person who may consider himself aggrieved by the said assessment, and on being satisfied of any error therein, they may correct the same.

Return. § 5. On the return of said assessment roll to the mayor or council, the city clerk shall cause to be posted, in the most public place of each ward, one written or printed notice that the assessment has been returned and is ready for inspection, and, also, of the time when application may be made for renewing the same.

Warrant. § 6. Immediately after the second Saturday in August of each year the city clerk shall make out a true copy of the assessment, to which, after being satisfied that the same is a correct copy, as above, the city council shall annex a warrant, signed by the mayor of said city, requiring the collector to collect, from the several persons, the several amounts of taxes and costs set opposite their respective names, and pay the same to the treasurer of the city. And the said collector shall thereupon attend at some place in each ward of said city for the purpose of receiving taxes, giving ten days' notice of such place and the day on which he will attend for the purpose aforesaid, and if any resident of said city shall neglect to pay his tax, on the day mentioned in such notice, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving ten days' notice of the time and place of sale, by posting up a notice thereof in three public places in said city, shall sell as many of said goods and chattels as may be necessary to make the amount of tax and cost. In cases where the owner is not a resident of the city, the collector shall proceed to levy and sell, within ten days after the day fixed in said notice. The said warrant shall be returnable on the second Saturday in October after the date thereof, at which time the collector shall return said warrant and tax list to the clerk of the city council, and pay over all money, by him collected, to the treasurer, and take his receipt for the same.

Non-payment Delinquent tax § 7. In the return to said warrant the collector shall give a list of the names of the persons whose tax, upon personal property, he has been unable to collect, on account of not finding goods and chattels whereon to levy, the value of the property assessed, and the amount of the tax thereon, and state in said return that he has been so unable to collect the tax, and the city council may give him credit for the amount of taxes he has thus been unable to collect.

§ 8. The collector shall also make a list of the real estate upon which the taxes have not been paid or collected, and state to whom each parcel of said real estate was assessed; or that the same was assessed to a person "unknown," and describe said real estate, and give the amount of tax on each parcel. The collector shall return said list, at the time last aforesaid, with a certificate signed and sworn to by him that said taxes remain unpaid, and that he could find no goods or chattels whereon to levy and collect the same, and the city council may credit him with the amount. Real estate.

§ 9. The said list shall be evidence of the taxes and costs due on any real estate in said city; and whenever any person owning real estate in said city shall fail to pay the same on or before the second Saturday in October of any year, the city collector shall thereupon proceed to obtain judgment against and to sell said real estate for taxes and costs, in the same manner as is provided by the revenue law of this state for obtaining judgment against and selling delinquent lands. Evidence.

§ 10. All real estate sold for taxes and assessments assessed under this charter shall be sold and may be redeemed in the same manner and upon the same terms as lands are now sold and redeemed in cases of sale for state and county taxes; and the deed of the city collector for real estate sold under this charter shall have the same force and effect as deeds made by county collectors of this state for delinquent lands sold for state or county tax. Sale and redemption.

### ARTICLE VIII—Of Public Improvements.

§ 1. The city council shall have power to cause any street, alley or wharf in said city to be graded, leveled, paved, macadamized or planked, and keep the same in repair; to cause side-walks and cross-walks, drains and sewers to be constructed, and regulate the same; and to grade, improve, protect and ornament any public square now or hereafter laid out in said city, and to levy and collect a tax for the purpose of carrying into effect the above powers. Streets.

§ 2. Every owner of any lot or lots in said city, in front of whose premises the city council shall, by ordinance, order and direct a side-walk to be constructed or repaired shall construct such side-walk at his or her own expense, within sixty days after a copy of said ordinance is delivered to such owner: *Provided*, such ordinance is not passed in the month of December, January, February or March, and if such side-walk be not constructed or repaired by such owner or owners, in the manner and within the time required by ordinance, the city council may cause the same to be constructed or repaired, and assess the expenses thereof, in an order to be entered on their journal, and the said city council is hereby authorized and empowered to sue and recover from Side-walks.  
Proviso.

the owner or owners of said lot or lots two-thirds of said expenses so entered in said order, with twenty per cent. damages on said amount; and said order is hereby made a lien on said lot or lots, and shall be evidence of the amount of such expenses: *Provided*, the said council may at any time, by ordinance, fix the amount of such expenses to be paid by the owner of said lot or lots, at more or less than two-thirds of said expenses.

## ARTICLE IX.

Exemption.

§ 1. The inhabitants of the city of Metropolis are hereby exempted from working on any road extending outside the city limits; and the city council shall provide for all resident paupers.

Street labor

§ 2. The city council shall have power, for the purpose of keeping the streets, alleys and wharf in repair, to require, by ordinance, every able bodied male inhabitant in said city, over twenty-one years of age, to work on said streets, alleys and roads, not exceeding five days in each and every year.

Refusal to labor.

§ 3. Whenever any inhabitant of said city, liable to do road labor, shall violate any ordinance requiring him to perform such labor, by failing or refusing to perform the same, after due notice, the street commissioner shall report his name to the city judge, who shall forthwith issue his warrant, commanding the city marshal to bring such inhabitant before the said judge, who shall try him, as in other cases, for violating a city ordinance; and, if convicted, he shall be fined one dollar for each day he shall fail to work on said streets or alleys or wharf.

Imprisonment.

§ 4. The city council shall have power to provide for the punishment of offenders, by fine or imprisonment in the county jail, or by both fine and imprisonment.

Statement

§ 5. The city council shall cause to be published in a newspaper in said city or by posting a written notice in each ward, annually, on the first Monday in May, a complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended; and said statement shall be certified to be correct by the mayor and city clerk.

Suits

§ 6. All suits and prosecutions instituted by the corporation hereby created shall be instituted and prosecuted in the name of the city of Metropolis; and all actions commenced by and all fines and forfeitures which have accrued to the president and trustees of Metropolis city shall be vested in and prosecuted by the corporation hereby created; and all the rights which have accrued to said president and trustees, and all their property, held for the use of the inhabitants of Metropolis city, shall be vested in the corporation hereby created.



§ 7. Appeals to the circuit court of Massac county shall be allowed from all judgments of said city judge, in the same manner as from other justices of the peace. Appeals.

§ 8. All acts or parts of acts contrary to the provisions of this act are hereby repealed. Repeal.

§ 9. Whenever the city marshal is unable or refuses to serve any process issued by the city judge the same may be served by the sheriff or any constable of Massac county. Process.

§ 10. All fines and forfeitures recoverable by indictment or action, for any offences committed within the limits of said city, shall be paid into the city treasury, for the use of the city. Fines.

§ 11. This act is hereby declared to be a public act, to be in force from and after its passage, and may be read in evidence in all the courts of this state, without proof. Public act.

§ 12. No money shall ever be borrowed by the city council unless the ordinance therefor shall first be submitted and voted for by a majority of the voters voting at an election for that purpose. Borrowing money.

§ 13. The city marshal, or his deputy, shall have power to arrest or cause to be arrested, with or without process, upon view or information, all persons who shall break the peace or threaten to break the peace or be found violating any ordinance of said city, and may hold such persons for examination or detain them in the county jail or other safe place, for the space of thirty-six hours and until they can be brought before the city judge. Powers of marshal.

§ 14. No person shall be incompetent to serve as a witness or juror in any suit when the city of Metropolis is a party, by reason of his being an inhabitant of said city; and all ordinances of the president and trustees of Metropolis city shall remain in force till repealed by the city council. Disqualification.

§ 15. The president and trustees of Metropolis city shall cause an election to be held in said town, giving ten days' notice thereof, on the second Monday in March next; at which time all the legal voters residing within the limits described in the second section of the first article of this act shall vote for or against adopting this charter; and if a majority of the votes polled at such election are in favor of the adoption of said charter it shall immediately take effect as law; otherwise it shall be of no legal effect. But if a majority of said legal voters shall not adopt said charter, at said election, it may be submitted to said voters for adoption, at any other time, within twelve months—the said president and trustees giving ten days' notice of an election to be held for that purpose. Election.

§ 16. The act to which this is an amendment is hereby repealed, except section fifteen of said act, which section is hereby made to apply to this act. Repeal.

APPROVED February 18, 1859.

In force April 26, 1859. AN ACT to alter and define the limits of the city of Monmouth, in Warren county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the limits of the city of Monmouth, in the county of Warren, be and they are so restricted and curtailed, that the same shall contain and include only the land described as follows, to wit: All of section twenty-nine, the east half of section thirty, the northeast quarter of section thirty-one, and the north half of section thirty-two, in township eleven north, in range two west of the fourth principal meridian, in said Warren county, and no more.

APPROVED February 16, 1859.

In force Feb'y 24, 1859. AN ACT to amend an act entitled "An act to change the name of Emporium City, in Pulaski county, to that of Mound City, and to incorporate the same."

Preamble.

Whereas Mound City and Emporium City, in the county of Pulaski, have, each had a plat of the respective cities duly and legally recorded in said county, and said plats lie adjacent to each other, and the citizens of the respective places, being desirous that the two cities be merged into one, had the same incorporated under the name of Mound City by an act of the legislature, approved January 29th, 1857; and, whereas, the said citizens, being now desirous that the same should be reincorporated under the name of Mound City, therefore;

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the cities of Emporium and Mound City, in Pulaski county, be, to all intents and purposes, one city, to continue under the name of Mound City, and that all business heretofore done in the name of Emporium City shall hereafter be recognized and legalized as though the same had been done and recorded in the name of Mound City.

§ 2. *Be it further enacted,* That all that district of country embraced within [the] plat or plan of Mound City, as laid off and recorded by Moses M. Rawlings as Mound City, and all that district embraced within the plat or plan laid off and recorded by the Emporium Real Estate and Manufacturing Company, as Emporium, with the strip of land lying between said recorded plats and the middle of the main channel of the Ohio river, and also all such other lands adjoining as may hereafter be laid off into the city and be duly and legally recorded, not to exceed ten miles square, shall form and be erected into said Mound City.

§ 3. The inhabitants of said city shall be and they are hereby constituted a body politic and corporate, by the name and style of Mound City, and by that name and style shall have perpetual succession, and may have and use a common seal, and alter the same at pleasure. The inhabitants of said city, in the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; and purchase, receive, hold and improve property, either real or personal, within or beyond the corporate limits, for burial grounds or other purposes, for the use of the inhabitants of said city, and the same sell, lease or convey at pleasure, and do all other things in relation thereto as natural persons. Name.  
Powers.

§ 4. The chief executive officers of said city shall consist of a mayor and board of council, to be elected by the qualified voters of said city, and to hold their offices for the term of one year or until their successors are elected and qualified.

§ 5. The city council shall have power to divide the city into wards, and to alter said wards when they deem the same expedient, and to apportion to each one or more councilmen, according to the number of white inhabitants therein, but until the city is so divided, the board shall consist of six members and the mayor. Wards.

§ 6. The first regular election under this act shall be held on the Saturday after the first Thursday in June, A. D., 1859, and on the same day of the same month every year thereafter; and until the first regular election Moses B. Harrell is hereby constituted mayor, and Alexander Fraser; George Merts, Hartzell Hainer, William Dougherty, N. R. Casey and J. C. Place, councilmen. Election.

§ 7. All elections held under this act shall be conducted in the same manner, except as to qualifications of voters and manner of making returns, as general or state elections are conducted, ten days' notice thereof being given by posting at least three printed or written notices in as many public places in said city. Instead of the returns being made as in general elections, one of the clerks or judges of the election, within forty-eight hours after closing the polls, shall make return thereof to the city clerk, who shall lay the same before the council at its first session thereafter. Manner.

§ 8. The manner of conducting and voting at elections held under this act, and of contesting the same, the keeping of the poll lists, canvassing the polls and certifying the returns, shall be, nearly as may be, as is now provided by law for the government of general elections: *Provided*, the city council shall have power to regulate elections and appoint judges thereof, who shall have the power to elect their own clerks. The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same



powers and authority as judges of general elections. The city council shall judge of the election and qualifications of city officers.

§ 9. All white male residents of said city over the age of twenty-one years, who are native born or naturalized and are not disfranchised by law, who shall have resided within the corporate limits for the term of three months immediately preceding the election, shall be deemed legal voters; and every person offering to vote, if so required, shall be sworn and questioned as to his qualifications.

§ 10. Should the city be laid off into wards, each voter shall then vote in that ward where he actually resides, and in no other, and all cases of illegal voting at any election authorized by this act or any ordinance of the council may be punished according to the laws of the state.

Eligibility.

§ 11. No person shall be eligible to hold the office of mayor or councilman unless he shall have attained the age of twenty-five years, is a free white male citizen, and shall have resided within the city for twelve months immediately preceding the election.

§ 12. The city council shall have power—

Taxes.

*First.*—To levy and collect taxes upon all property, both real and personal, within the city, which is made taxable by law for state purposes, but not at a rate to exceed one-half of one per centum per annum, upon the assessed value thereof.

Debts and ex-  
penses.

*Second.*—To appropriate money and provide for the payment of the debts and expenses of the city.

Diseases

*Third.*—To make regulations to prevent the introduction of contagious diseases into the city; to pass quarantine laws for that purpose, and to enforce the same within five miles of the city.

Paupers.

*Fourth.*—To provide for paupers and poor persons.

*Fifth.*—To establish hospitals and make regulations for the government thereof.

Health

*Sixth.*—To make regulations to preserve the general health; to declare what shall be nuisances, and to remove or abate the same.

Water.

*Seventh.*—To provide the city with water, to erect and keep in repair reservoirs, wells, hydrants, fire plugs and pumps in the streets, within or beyond the corporation, for the convenience of the inhabitants thereof, and for the extinguishment of fires.

Streets.

*Eighth.*—To open, establish, alter, grade, pave, plank or otherwise improve or change streets, avenues, lanes and alleys.

Bridges.

*Ninth.*—To establish, erect, change and keep in repair bridges, culverts, sewers, sidewalks and crossways, and to regulate the use and construction of the same, and to pass ordinances for their protection.

- Tenth.*—To provide for lighting the streets and erecting lamps thereon. Light.
- Eleventh.*—To establish, support and regulate night watch and patrols. Night watches.
- Twelfth.*—To erect market houses, establish markets and market places, and to provide for the government thereof. Markets.
- Thirteenth.*—To provide for the erection, change and improvement of all needful city buildings. Buildings.
- Fourteenth.*—To provide for inclosing and improving and regulating public grounds belonging to the city. Public grounds.
- Fifteenth.*—To improve and preserve the navigation of the Ohio river within the city. Navigation.
- Sixteenth.*—To erect, construct, regulate, repair and control all public wharves and docks within the city, and to fix the rate and to provide for the collection of wharfage or rent therefrom. Wharves.
- Seventeenth.*—To regulate the stationing, anchoring or mooring of all kinds of water craft within the city. Mooring.
- Eighteenth.*—To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, and to license, regulate, tax or suppress ordinaries, hawkers, peddlers, brokers, pawn-brokers and money changers. Auctioneers &c.
- Nineteenth.*—To license, tax and regulate porters and fix the rate of portage. Porters.
- Twentieth.*—To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays, and fix the rate of charges for carriage of persons or property. Hacks, &c.
- Twenty-first.*—To license, tax, regulate or restrain, prohibit or suppress billiard tables, ten-pin alleys, tipping houses and dram shops, and to suppress gambling houses, bawdy houses, houses of assignation and ill-fame. Gaming.
- Twenty-second.*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate or prevent the erection of manufactories dangerous in causing fires; appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle or suspicious persons, and to compel any person or persons present to aid in extinguishing fires, or in the preservation of property exposed to the danger of the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance. Fires.
- Twenty-third.*—To regulate the storage of gunpowder, tar, pitch and all other combustible materials. Combustibles.
- Twenty-fourth.*—To establish the standard weights and measures, and to regulate the weights and measures to be used in the city, not otherwise provided by law. Weights and measures.
- Twenty-fifth.*—To provide for the inspection and measuring of lumber and other building materials. Inspection.

*Twenty-sixth.*—To provide for the inspection and weighing hay and stone coal, the measuring of charcoal, firewood and all other fuel used in the city.

*Twenty-seventh.*—To provide for and regulate the inspection of tobacco, cotton, beef, pork, flour, meal, oils, whisky and other spirituous liquors in barrels, hogsheads and other vessels; to regulate the inspection of butter, lard and other provisions; to regulate the renting [vending] of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

**Bread.** *Twenty-eighth.*—To regulate the weight, quality and price of bread to be sold in the city.

**Brick.** *Twenty-ninth.*—To regulate the size of bricks made or used in the city.

**Census.** *Thirtieth.*—To provide for the taking of enumerations of the inhabitants of the city.

**Officers.** *Thirty-first.*—To regulate the election of all elective city officers in the city, and to remove from office one or more of their own members, by a concurrence of two-thirds of the members, or any person holding an office created by this act, or by ordinance.

*Thirty-second.*—To appoint all officers and agents (and prescribe their powers and duties) necessary for the efficient administration of the city government, not herein provided for.

**Compensation.** *Thirty-third.*—To fix the compensation of all city officers and to provide for the payment of the same, to regulate their duties, powers and obligations, and to regulate the fees of jurors, witnesses and others, for services rendered under this act, or under any ordinance.

**Police.** *Thirty-fourth.*—To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of such fines and the enforcement of such penalties.

**Ferries.** *Thirty-fifth.*—To regulate and license ferries within the city limits, and to fix the rate of ferriage.

**Obstructions.** *Thirty-sixth.*—To remove obstructions from the sidewalks and streets, avenues and alleys of the city, and to provide for the construction and repair of all sidewalks and curbstones, and for the cleaning of gutters at the expense of the owners of the ground fronting thereon, or by any other legal method.

**Riots.** *Thirty-seventh.*—To prevent and restrain any riot, noise, open indecencies, disturbance or disorderly assemblies in any house, street or place in the city.

*Thirty-eighth.*—To prevent and remove all encroachments upon all streets, lanes, avenues, alleys and public grounds.

**Property.** *Thirty-ninth.*—To exercise complete and perfect control over all property belonging to the city, real or personal, either within or beyond the city limits, and the same to improve, lease, sell or dispose of, and generally to make, pass,



award, [amend], publish and repeal such rules, regulations and ordinances as shall be deemed advisable for the maintenance of the peace and good government of the city and for the trade, commerce and manufactures thereof, not repugnant to the laws and constitution of the state, and to enforce the observance of all such rules, regulations and ordinances, and to punish violations thereof by fines, penalties and imprisonment; and any person against whom a fine or penalty shall be assessed who shall fail, neglect or refuse to pay the same, may be imprisoned in the calaboose or be required to labor on the streets or other public works of the city, for such time and in such manner as may be prescribed by ordinance.

*Fortieth.*—To direct, control or prevent the laying and construction of railroad tracks, bridges, turnouts or switches in the streets, avenues or alleys of the city, wherever the exercise of such powers does not conflict with the special reservations of rights now made and recorded with the plats of said city; to require and compel railroad companies to keep in repair the streets through which their tracks may run, and to provide and maintain suitable crossings and such ditches, sewers and culverts as may [be] deemed necessary; to direct and regulate the speed of railroad trains within the limits of the city, and to prohibit and restrain railroad companies from doing a storage or warehouse business, for hire or pay, and from selling goods, wares and merchandise upon their grounds or depot premises, and from acting as forwarding agents for compensation. Railroad tracks

*Forty-first.*—To prevent the bringing and burial of dead bodies within the city. Burial.

*Forty-second.*—To regulate or prevent and prohibit the use of fireworks or the discharge of firearms within the city, except in the defence of persons or property, or at a proper public assembly or celebration, or by any military company or organization. Firearms.

*Forty-third.*—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalties incurred, and to impose penalties upon the owners thereof for a violation of any ordinance in relation thereto. Stock.

*Forty-fourth.*—To regulate or prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties upon the owners, keepers or harborers thereof. Dogs.

*Forty-fifth.*—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and to prescribe their duties and liabilities. Police.

*Forty-sixth.*—The council shall have exclusive power within the city to license, regulate or suppress groceries, bars, tippling houses and beer shops, and all places where License.

spirituous or fermented liquors are sold, and all sums of money which shall be received for such licenses shall be paid into the city treasury for the use of the city.

Beggars.

*Forty-seventh.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Nuisance.

*Forty-eighth.*—To compel the owner or occupier of any grocery, cellar, soap or tallow chandler, blacksmithery, tannery, stable, slaughtering house, establishment for rendering or steaming lard, tallow, offal, or any other substance, packing houses, breweries, distilleries, privies or other places or establishments where nauseous, offensive or unwholesome business may be carried on, to cleanse, remove or abate the same, and to direct their location, regulate their construction or to abate or prohibit them within the limits of the city altogether.

Destitute children.

*Forty-ninth.*—To authorize and direct the taking up and providing for the safe keeping and education of such children as are destitute of parental care or direction, and as are found wandering about the streets, growing up in mendicancy, ignorance, idleness and vice, and committing mischief and depredations.

Opening streets.

*Fiftieth.*—The city council shall have power to open, widen, change, alter, lay out and construct public grounds, streets and alleys, and to abate or discontinue the same; but no private property shall be taken for such purpose without the consent of the owners, in writing expressed, or without making a full compensation therefor, having regard to the benefit, if any, arising from such change; the amount of which compensation, in case of disagreement between the city and parties interested, shall be determined by three appraisers, one selected by the city council, one by the party claiming damages, and the third by the two thus selected: *Provided*, that appeal from the decision of such appraisers may be taken, by any party interested, to the circuit court of Pulaski county.

Proviso.

Street tax.

*Fifty-first.*—The city council shall have power, by ordinance, to levy and collect a special tax on the owners or holders of any lots, on any street, avenue or alley, or part thereof, according to the respective fronts owned or held by them, for the purpose of providing or repairing such streets, side-walks or gutters, drains or curbing.

Appropriations.

*Fifty-second.*—The city council shall have power to appropriate money for the opening of roads and highways and the construction of bridges and culverts for the benefit of the city, beyond, as well as within the limits of the city; and shall have power to borrow money upon the credit of the city: *Provided*, that no such loans shall be made at a greater rate of interest than six per cent. per annum; and *Provided further*, that in no case shall the aggregate of interest upon loans so made exceed, per annum, one-half of

the taxes assessed upon real property within the corporation, for the same time.

§ 13. The city council shall have the power, subject to the restrictions in the preceding section, to make all ordinances necessary to carry into effect the powers specified in the preceding section and all other powers vested by this act in the corporation, the city government or any department thereof. Ordinances.

§ 14. Every ordinance passed by the city council shall, before it becomes a law, be presented to the mayor for his approval. If he approve he shall sign it; if not he shall return it at the next regular meeting, with his objections, to the board, which objections shall be entered upon the journal, and the bill reconsidered. If, after such reconsideration, a majority of all the members elected to the board shall agree to pass the same, it shall become a law. Veto.

§ 15. In all cases, when required, the vote shall be taken by yeas and nays and entered on the journal of the board. Yeas and nays.

§ 16. All ordinances passed by the council shall be published before going into effect, either by posting three written copies thereof in three conspicuous places in the city, or by publishing the same once in some newspaper printed and circulated in the city. Publication.

§ 17. The style of ordinances of the city shall be, "*Be it enacted by the Council of Mound City.*" Style.

§ 18. All ordinances of the city shall be proven by the seal of the corporation, and, when printed and published, the same shall be received as evidence in all courts, without further proof.

§ 19. The mayor of the city is hereby vested with power to take acknowledgments of deeds and other instruments of writing, take depositions and administer oaths necessary in so doing, and to certify the same, under the seal of the city, and, when so certified, the same shall be taken in evidence in any court, without further proof; and he shall further have power to administer oaths to officers of the city or to witnesses in any investigation before the council. Powers of mayor.

§ 20. A majority of the council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be fixed by ordinance.

§ 21. The council shall have the power to determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members, expel a member; but if such member be re-elected he shall not be expelled a second time for the same offence. Rules.

§ 22. The city council shall keep a journal of its proceedings, and may, at its discretion, publish the same in that newspaper in the city having the largest circulation therein. Journal.

§ 23. All vacancies occurring in the council, or the office of mayor, city clerk, marshal, treasurer, collector, as-



essor or city engineer, shall be filled by an election to be ordered by the council.

Oath. § 24. The mayor and each member of the council, before entering upon the discharge of their duties, shall take an oath that they will each support the constitution of the United States and of this state, and that they will well and truly perform their duties to the best of their skill and abilities.

Tie. § 25. Whenever there shall be a tie in the vote of candidates for councilmen, the same shall be certified to the mayor, who shall, in the presence of the council, determine the same by lot; and in case of a tie between candidates for mayor, the council shall select one of their own number, who shall decide said tie in a similar manner.

Duties of mayor. § 26. The mayor shall preside over the meetings of the council, and shall see that the laws of the state and the ordinances of the city are respected and enforced, and that the other officers of the city discharge their respective duties. He shall, from time to time, give the council information in respect to the state of the city, and shall recommend for their consideration such measures as he shall deem required by public necessities or for the public good. He shall receive such salary as shall be fixed by ordinance.

§ 27. The city clerk, marshal, assessor, collector, treasurer and engineer shall be elected at the same time and for the same term as mayor and councilmen, by the legal voters of the city, and shall be subject to removal by the council at any time for incompetency, malfeasance, or other justifiable cause.

§ 28. In case of the nonattendance of the mayor at any meeting of the council the members shall have the right to choose one of their own members to preside as chairman *pro tem*.

Exhibit. § 29. The mayor shall have power, when he may deem it necessary, to require of any officer of the city an exhibit of his books and papers.

Public peace. § 30. All officers of the city created conservators of the peace by this act, or by any ordinance of the council, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or be found violating any ordinance of the city, and to take such persons before a competent court for examination, or detain such persons in the calaboose over night or until they can be brought before a magistrate; and shall have and exercise such other powers as the city council may prescribe, not repugnant to the constitution and laws of the state.

Fines. § 31. For the recovery of all fines imposed under ordinances of the city, or upon any judgment in favor of the city, execution may issue immediately upon the rendition of judgment. If the defendant in any action of a criminal nature have no property whereof the judgment may be col-

ected, he may be confined within the city jail, or compelled to labor on the streets or public works of the city, at the rate of one dollar per day, until the amount of the judgment and costs is paid.

§ 32. The council shall have the power to declare the practice and rule of proceedings before the police magistrate in all cases arising under this act or the ordinances of the city, subject to the general laws now in force or that may hereafter take effect. Practice.

§ 33. The city council shall hold stated meetings, but the mayor or any two councilmen may call special meetings by giving notice to the other members. Without the unanimous consent of the board no business shall be considered at such special meetings other than that mentioned in the notice. Meetings.

§ 34. The city council shall have power, by ordinance, to prescribe the form of assessment rolls, and to define the powers of assessors, and to make such rules and give such directions in relation to revising, altering or adding to the rolls, as they may deem proper and expedient. Assessment rolls.

§ 35. The council shall have power and authority to levy and collect taxes upon all property, real and personal, within the city limits, not exceeding one-half of one per centum upon the assessed value thereof, to defray the contingent and other expenses of the city, which taxes shall constitute the general fund. Taxes.

§ 36. On the return of the assessment lists, the time for which shall be fixed by ordinance, the city council shall fix a day for hearing objections thereto, notice of which shall be given by the city clerk, when any person feeling aggrieved may lodge his complaint. The city council shall have power to equalize the assessment, to correct and revise the same, to supply omissions, or to refer them back to the assessor with instructions. Objections.  
Equalization.

§ 37. When the assessment rolls have been corrected and revised and an order of confirmation passed, the council may proceed to levy such a per cent., not exceeding one-half of one per centum, as they may deem necessary to meet the several purposes for which such taxes are intended. Levy.

§ 38. All taxes levied by the council, either general or special, in pursuance of this act, shall operate as a lien upon the real estate upon which the same may be imposed for two years from and after the corrected assessment lists were confirmed or the passage of the order for assessment; and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes upon either real or personal estate; and the real estate shall be liable for taxes on personal estate in case of removal or when the tax cannot be made out of the personal estate, in Lien.

the same manner as prescribed by the laws of the state : *Provided*, that in case the collection of any assessment shall be delayed by judicial proceedings, the same shall continue a lien upon real estate, unless set aside, for the period of two years from and after the disposition of such injunction or other judicial proceeding.

**Warrant.** § 39. The city clerk shall issue a warrant for taxes, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or estate subject thereto. Each column shall be headed with the name of the tax therein set down.

§ 40. Warrants issued for the collection of the taxes shall contain a true copy of the corrected assessment lists, and be certified under the corporate seal and signed by the clerk. They shall be delivered to the collector for collection within such time after the filing of the corrected assessment lists as the council may direct. Unless otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit, in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand for and refusal to pay the same, by giving due notice. The assessor's list shall, in all cases, be evidence on the part of the city corporation.

**Collection.** § 41. All taxes and assessments may be collected by the assessor in the same manner and with the same power as is given by law to collectors of the state and county taxes. He shall pay the same, as fast as collected, into the city treasury; and his duty in regard to returning warrants and settling with the city, and his liabilities, in case of default or misconduct, shall be the same as prescribed by law in case of county collector : *Provided*, that the council shall have power to prescribe the powers, duties and liabilities of the city collector, by ordinance.

**Proviso.**

**Nonpayment.** § 42. In case of the nonpayment of any taxes or assessments under this act the premises may be sold for the payment thereof at any time within two years after the confirmation of the assessment by the council. Before any such general sale an order shall be made by the city council, which shall be entered at large by the city clerk in the records, directing the collector to sell, particularly describing the delinquent premises for which the sale is to be made; a certified copy of which order, under the corporate seal and signed by the clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which sale may be made.

**Advertisement** § 43. The collector shall then advertise such premises, under the direction of the council, for sale, by publishing the list thereof one time in the corporation paper having the largest circulation, or by posting, conspicuously, three written copies thereof within the city, at least thirty days be-



fore the day of sale, naming therein the time and place of sale.

§ 44. The sale shall be made for the smallest portion of Sale. ground (taken from the west or westerly side of the premises) for which any person will pay the taxes, penalties and costs. Duplicate certificates of sale shall be made by the collector, one of which shall be delivered to the purchaser, the other filed in the office of the city clerk, which certificate shall contain the name of the purchaser, a description of the premises sold to him, with the amount of taxes, interest and costs for which the same were sold, and the time when the right to redeem will expire. The collector shall be allowed, for his services, such fees as may be determined by ordinance. The clerk shall keep a record of such sales, which shall, at all reasonable times, be open to public inspection.

§ 45. The right of redemption, in all cases of sales for Redemption. taxes or assessments, shall exist to the owners or their heirs or assigns to the same extent as allowed by law, on the payment of double the amount, in specie, for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *feme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability be removed. In case of redemption, the money may be paid to the purchaser, or, for him, to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt for the same. If not redeemed according to law, the city council shall, upon the return of the certificate, or satisfactory proof of its loss, direct a deed to be issued to the purchaser or his proper representative, under the corporate seal, and signed by the mayor and countersigned by the clerk, conveying to such purchaser or representative the premises so sold and unredeemed. And abstract of all deeds so made and delivered shall be kept by the city clerk, in a book wherein tax sales are recorded.

§ 46. If at any sale of real or personal estate for taxes levied, under this act, no bid shall be made, the same shall be struck off to the city, and thereupon the city shall be vested with the same rights as other purchasers.

§ 47. All deeds made to the purchasers of real estate for Deeds. taxes or assessments, by order of the council, shall be *prima facie* evidence in controversies and suits in relation to the rights of the purchasers, their heirs or assigns, to the premises conveyed, of the following facts: first, that the land conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law; second, that the taxes or assessments were not paid at any time before the sale; third, that the lands conveyed had not been redeemed from sale at the date of the deed; and shall be

conclusive evidence of the following facts: 1st, that the land was advertised for sale in the manner required by law; 2nd, that the land was sold for taxes and assessments, as stated in the deed; 3rd, that the grantee in the deed was the purchaser; 4th, that the sale was conducted in the manner prescribed by law; and in all controversies involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming the adverse title to the title conveyed by such deed, shall be required to prove, in order to defend the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of the state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he or she, or the person under whom he or she claim title, had title to the land at the time of the sale, or that the title was obtained from the United States or this state after the sale; and that all taxes due upon the land by such person or the person under whom he or she claims title, as aforesaid, had been paid.

Exemption      § 48. The inhabitants of the city limits are hereby exempted from working on any road beyond the city limits, and from the payment of money to secure such labor.

Statement.      § 49. The city council shall cause to be published an annual exhibit of the receipts and expenditures for the year preceding, and on what account received and expended.

Suits.            § 50. All suits, actions and prosecutions instituted or brought by the corporation, shall be instituted or brought in the name of "The Mayor and Council of Mound City."

Appeals.        § 51. Appeals shall be allowed from the decisions in all cases arising under the provisions of this act, or under any ordinance passed in pursuance thereof, to the circuit court of Pulaski county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from justices of the peace to the circuit court under the laws of the state.

Public act.      § 52. This act is hereby declared to be a public act, and may be read in evidence in all cases of law and equity in this state without proof.

Disqualifica-  
tion.            § 53. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city in any action or proceeding in which said city may be a party in interest.

Repeal.        § 54. An act entitled "An act to change the name of Emporium to that of Mound City, and to incorporate the same," approved January 29, 1857, and all other acts or

parts of acts inconsistent with this charter, are, so far as they conflict with the same, hereby repealed.

§ 55. This act to be liberally construed for the city, and to be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to incorporate the city of New Boston.

In force Feb'y  
21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of New Boston, in Mercer county and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the City of Name. New Boston, and by that name and style shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following boundaries, to-wit: Beginning in the main channel of the Mississippi river, due west from the southeast corner of the southwest quarter of section thirty-two in township fourteen north, range five west, in Mercer county, Illinois; thence up said river, along the middle of said channel, to a point due west of the northeast corner of the southeast quarter of section thirty, in township fourteen north, of range five west; thence running east to the northeast corner of the southwest quarter of section twenty-nine, in said township; thence running south to the southeast corner of the southwest quarter of section thirty-two; thence to the place of beginning, meaning to include the southeast quarter of section thirty, and the southwest quarter of section twenty-nine, and the northwest quarter of section thirty-two, and the southwest fractional [quarter] of section thirty-two; also all of fractional section thirty-one; all in township fourteen north, range five west, in said Mercer county, shall constitute the said city of New Boston. Limits.

§ 3. Whenever any tract of land adjoining the city of Additions. New Boston shall be laid off into town lots, the same shall be recorded as now required by law, and shall be annexed to and form a part of said city of New Boston.

§ 4. The city council may at any time hereafter divide Wards. the said city of New Boston into two or more wards, and may increase the number of wards as the best interest of said city requires: *Provided*, there shall be but two aldermen elected until the city is divided into wards.

*General Powers.*

§ 5. The inhabitants of said city, by the name and style Wards. aforesaid, shall have power to sue and be sued, to plead and



be impleaded, defend and be defended in all courts of law or equity, and in all actions whatever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the limits of said city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect the same, and to do all other things in relation thereto as natural persons.

## ARTICLE II—*Of the City Council.*

- Council. § 1. There shall be a city council, to consist of a mayor and board of aldermen.
- Aldermen. § 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters thereof for two years.
- Eligibility. § 3. No person shall be an alderman unless, at the time of his election, he shall have resided at least six months within the limits of the city, and shall be, at the time of his election, twenty-one years of age and a citizen of the United States.
- Removal. § 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby become vacated.
- Classes. § 5. At the first meeting of the city council, the aldermen shall be divided, by lot, into two classes; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that half of the board shall be elected annually.
- Qualifications. § 6. The city council shall judge of the qualifications, elections and returns of their members, and shall determine all contested elections.
- Quorum. § 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.
- Rules. § 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.
- Journal. § 9. The city council shall keep a journal of their proceedings, and, from time to time, publish the same in some newspaper published in said city having the largest circulation therein: (*Provided*, that in case there is no paper published in said city, a certified copy of its proceedings shall be posted up in at least three of the most public places in said city will be deemed sufficient notice;) and the yeas

and nays, when demanded by any member present, shall be entered on the journal of proceedings.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected. Prohibition.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

§ 12. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and abilities. Oath.

§ 13. Whenever there shall be a tie in the election of alderman, the judges of election shall certify the same to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance. Tie.

§ 14. There shall be four stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance: *Provided, also*, that the city council may have as many special meetings, from time to time, as may be agreed upon and designated by the by-laws. Meetings.

### ARTICLE III.—Of the Chief Executive Officer.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for the term of one year and until his successor shall be elected and qualified. Mayor

§ 2. No person shall be eligible to the office of mayor, who shall not be a *bona fide* real estate owner within the said city, or who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States. Eligibility.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from said city, his office shall be vacated. Removal.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be provided by ordinance. Tie.

§ 5. Whenever an election of mayor shall be contested the city council shall determine the same in such manner as may be prescribed by ordinance. Contest.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election. Vacancy.

ARTICLE IV.—*Of Elections.*

Election.

§ 1. On the first Monday of September next an election shall be held in said city, for one mayor for said city, one marshal, one treasurer, one assessor, one street commissioner and two aldermen; and forever thereafter, on the first Monday in September of each year thereafter, shall be an election held in said city, or in each ward of said city, for one mayor for the city, one marshal, one treasurer, one assessor, one street commissioner, and two aldermen for each ward in said city. The present board of trustees, now in power, of the town of New Boston, shall make the necessary arrangements for said first election, and the returns thereof shall be made as at present provided for, or they may provide for by ordinance of said trustees.

Voters.

§ 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city thirty days next preceding any city or ward election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes, in all city or ward elections, in the ward in which they reside, and in no other, and that no vote shall be received at any of said elections, unless the person offering such vote shall have been an actual resident of the ward, when the same is offered, at least ten days next preceding such election.

ARTICLE V.—*Of the Legislative Powers.*

Taxes.

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state: *Provided*, that all the proceedings shall be had in reference to delinquent taxes, as are now or shall be required by the revenue laws for the collection of the state and county taxes, and the said city marshal or collector of taxes shall give due notice, by publication in a newspaper in said city or county, if any shall be published in Mercer county, and make application to the county court of Mercer county for judgment against said delinquent lands and lots, and that the said county court shall have jurisdiction over the same; the sales of said lands and town lots shall be held within the corporate limits of said city, and said city marshal or collector shall have full authority and power to make and execute all deeds and conveyances under this act, when thereto directed by said city council; that when any lot or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed

Proviso.



at any time within two years from the date of such [sale] by the owner of such property or his or her agent, executor or administrator or other representatives, paying to the treasurer of said city the amount of redemption money as is required by law in the same manner as is now provided or may be provided for redemption under the laws of this state, and the same rights shall be secured to minors, *femes covert*, as is now provided by law.

§ 2. In case the city of New Boston shall at any time become a subscriber to the capital stock of any railroad company, the city council shall be authorized and required, from year to year, to levy and collect in like manner, as nearly as may be as other city taxes are collected, a special tax for the purpose of paying the interest on the bonds; the time at which said city tax shall be collected shall be subject to the control of said city council, and may be made annually or semi-annually as shall be deemed expedient; but the said taxes shall always be collected to meet the semi-annual payment of interest. Railroad tax.

§ 3. The city council shall have power to appoint a clerk, attorney, collector, city surveyor, and all such other officers as may be necessary. Officers.

§ 4. The city council shall have power to require all officers appointed in pursuance of this charter, to give bond, with penalty and security, for the faithful performance of the duties of their respective offices, and also to require all officers of said city to take and subscribe an oath to perform the duties of his said office, before entering on the duties of the same; to build and keep in repair school houses; to establish, support and maintain common schools; to borrow money on the credit of the city, by and with the consent of a majority of the inhabitants thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the city. Bond.

§ 5. To appropriate money, and provide for the payment of the debts and expenses of the city. Appropriations

§ 6. To make regulations to prevent the introduction of contagious diseases in the city, and to enforce [the same] within three miles of the city. Diseases.

§ 7. To establish hospitals and make regulations for the same. Hospitals.

§ 8. To make regulations to secure the general health of the inhabitants; to declare what shall be deemed a nuisance, and to prevent and remove the same. Health.

§ 9. To provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants. Water.

§ 10. To open, alter, abolish, widen, extend, establish, Streets.

grade, or otherwise improve and keep in repair streets, avenues, lanes and alleys.

- Bridges.      § 11. To establish, erect and repair bridges.
- Wards.        § 12. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.
- Light.        § 13. To provide for lighting the streets and erecting lamp posts.
- Night watches. § 14. To establish, support and regulate night watches.
- Markets.      § 15. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.
- Public build- § 16. To provide for the erection of all needful buildings. ings. for the use of the city.
- Public grounds § 17. To provide for inclosing, improving and regulating all public grounds belonging to the city.
- License.      § 18. To license, tax and regulate auctioneers, merchants, retailers, hawkers, peddlers, brokers, pawnbrokers and money changers.
- § 19. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage or drayage of property.
- § 20. To license and regulate porters and fix the rate of portorage.
- § 21. To license, tax and regulate theatricals and other shows and amusements; also to license, restrain, prohibit and suppress tippling houses and dram shops.
- Disorderly § 22. To prohibit and suppress gambling, bawdy and houses. disorderly houses.
- Fires.        § 23. To provide for the extinguishment of fires; to organize and establish a fire department, with the necessary officers, and to organize, establish and equip fire companies.
- Fire limits. § 24. To regulate or prohibit the erection of wooden buildings in any part of the city.
- Chimneys.    § 25. To regulate the fixing of chimneys, and to fix chimney flues.
- Combustibles. § 26. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.
- Walls and § 27. To regulate and order parapet walls and partition fences. fences.
- Weights and § 28. To establish standard weights and measures, and measures. to regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.
- Inspection. § 29. To provide for the inspection of and measuring lumber and other building materials, and the measurement of all mechanical work.
- § 30. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, firewood and other fuel, to be used within the city.

§ 31. To provide for and regulate the inspection of beef, pork, flour, meal and grain.

§ 32. To regulate the inspection of butter, lard, cheese and other provisions.

§ 33. To regulate the weight, quality and price of bread to be used in the city. Bread.

§ 34. To provide for taking enumeration of the inhabitants of said city; to regulate the election of city officers, and to provide for the removal from office any person [holding] an office created by ordinance. Census.

§ 35. To fix the compensation of all city officers, and regulate the fees of witnesses, jurors and others, for services rendered under this act or any ordinance. Compensation.

§ 36. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties. Police.

§ 37. The city council shall have power within the city, by ordinance, to restrain and suppress billiard tables and ball alleys; to regulate, restrain and prohibit the running at large of horses, cattle and hogs. Gaming, &c.

§ 38. All moneys collected under and by authority of any city ordinance, shall be deemed and taken to belong to said city, and is to be disposed of by the city council under the ordinance of said city for the general use and benefit of the inhabitants thereof. Moneys.

§ 39. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in this act. Ordinances.

§ 40. The style of the city ordinances shall be, "*Be it ordained by the Mayor and Common Council of the City of New Boston.*" Style.

§ 41. All ordinances passed by the city council shall, within twenty days after they are passed, be published in the newspaper published in the city having the largest circulation, and shall not be in force until they shall have been published as aforesaid: *Provided*, in case there is no newspaper published in said city, publication may be made by posting up written or printed copies of the ordinances in three of the most public places in each ward in the city. Publication.

§ 42. All ordinances of the city may be proven by the seal of the city corporation, and when printed or published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Proof.



ARTICLE VI—*Of the Mayor.*

- Mayor. § 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of nonattendance of the mayor at any meeting, the board of aldermen shall appoint one of their number, who shall preside at that meeting.
- Special meetings. § 2. The mayor or any two aldermen may call a special meeting of the city council.
- Duty of the mayor. § 3. The mayor, at all times, shall be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.
- Aid. § 4. He is hereby authorized to call every male inhabitant of said city, over the age of eighteen years, to act in enforcement of the laws and ordinances, and in case of a riot, to call out the the military to aid in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call, shall forfeit to the said city a fine not exceeding five dollars.
- Exhibit. § 5. He shall have power, whenever he shall deem it necessary, to require of any officer of the said city an exhibit of his books and papers.
- § 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.
- Justice of the peace. § 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservator of the peace in said city, and shall have power and authority to administer oaths, issue writs and process, under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.
- Jurisdiction. § 8. He shall have and exercise jurisdiction in all cases arising under the ordinances of the city, and concurrent jurisdiction with justices of the peace in all civil and criminal cases within the county of Mercer, arising under the laws of the state of Illinois, and shall receive the same fees and compensation for his services as are allowed to justices of the peace.
- § 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within three miles of the boundaries of the city, for the purpose of enforcing the municipal regulations of the city.

§ 10. He shall receive for his services such salary as Salary.  
shall be fixed by ordinance of the city.

§ 11. In case the mayor shall at any time be guilty of Indictment.  
a palpable omission of duty, or shall willfully and corruptly  
be guilty of oppression, malconduct or partiality in the  
discharge of the duties of his office, he shall be liable to be  
indicted in the circuit court of Mercer county, and on con-  
viction, he shall be fined not more than two hundred dollars,  
and the court shall have power, on the recommendation of  
the jury, to remove him from office.

## ARTICLE VII—*Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property The opening of  
for opening, widening or altering any public street, lane, streets.  
avenue or alley, the city shall make a just compensation  
therefor to the persons whose property is so taken and [when]  
the amount of such compensation cannot be agreed on,  
the mayor shall cause the same to be ascertained by a jury  
of six disinterested freeholders of the city.

§ 2. When the owners of all the property on a street, Petition.  
lane or alley proposed to be opened, widened or altered,  
shall petition therefor, the city council may open, widen or  
alter such street, lane, avenue or alley, upon condition to be  
prescribed by ordinance; but no compensation in such case  
shall be made to those whose property shall be taken for  
the opening, widening or altering such street, lane, avenue  
or alley, nor shall there be any assessment of benefits or  
damages that may accrue thereby to any one of the peti-  
tioners.

§ 3. All jurors empaneled to inquire into the amount of Inquest.  
benefits or damages which shall happen to the owners of  
property proposed to be taken for opening, widening or  
altering any street, lane or alley, shall first be sworn, to  
that effect, and shall return to the mayor their inquest, in  
writing, and signed by each juror.

§ 4. In ascertaining the amount of compensation for pro- Benefits and  
perty taken for opening, widening or altering any street, damages.  
lane, avenue or alley, the jurors shall take into consideration  
the benefit as well as the injury resulting from such opening,  
widening or altering such street, lane avenue or alley.

§ 5. The mayor shall have power, for good cause shown, Mayor may set  
within ten days after any inquest shall have been returned aside inquest.  
to him, as aforesaid, to set the same aside and cause a new  
inquest to be had.

§ 6. The city council shall have power, by ordinance, to Taxes.  
levy and collect a special tax on the holders of the lots on  
any street, lane, avenue or alley, or part of any lane, avenue  
or alley, according to their respective fronts owned by them,  
for the purpose of paving and grading the side-walks and  
lighting said streets, lane, avenue or alley.

ARTICLE VIII—*Miscellaneous Provisions.*

- Exemption.**     § 1. The inhabitants of the city of New Boston are hereby exempted from working on the road beyond the city, and from paying any tax to procure laborers to work upon the same: *Provided*, that the city council may cause one-fourth of the labor tax to be laid out on roads leading into said city, and may expend a portion of the city tax upon the same, not to exceed one-fourth of the amount annually assessed.
- Street labor.**     § 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant of said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding four days in each and every year; and any person failing to perform such labor, when duly notified by the street commissioner, or those acting under him, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.
- Imprisonment.**     § 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county jail, or by requiring the offenders to work the amount out in labor on the streets, within the limits of the corporation, either with or without ball and chain attached to them, as by ordinance may require, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.
- Statement.**     § 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the city during the preceding year, and on what account received and expended.
- Ordinances.**     § 5. All ordinances and resolutions passed by the trustees of the town of New Boston shall remain in full force until the same shall have been repealed by the city council hereby created.
- Rights.**     § 6. This charter shall not invalidate any act done by the president and trustees of the town of New Boston, nor divest them of any right which may have accrued to them prior to the passage of this act.
- Publication.**     § 7. The trustees of the town of New Boston shall give timely notice, after the passage of this act, and take steps to promulgate this law within the limits of the city of New Boston, and issue their proclamation for the election of officers of the same, to be published for at least two weeks prior to the day of election for said officers. Should the present trustees of the town of New Boston resign their seats, the election of city officers may take place sooner than the first Monday in September next.
- Appeals.**     § 8. Appeal shall be allowed from the decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the circuit court of Mercer



county; and every such appeal shall be taken and granted in the same maner and with like effect as appeals taken from and granted by justices of the peace to the circuit court under the laws of this state.

§ 9. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor, *pro tem*. Vacancy.

§ 10. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity in this state without proof. Public act.

§ 11. All acts or parts of acts, coming within the provisions of this charter, or contrary to or in conflict with its provisions, are hereby repealed. Repeal.

§ 12. The city marshal or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same anywhere within the limits of Mercer county, and shall be entitled to the same fees for traveling as are allowed to sheriffs or constables in similar cases. Marshal.

§ 13. The common council of said city shall have no power to remit any fine imposed upon any person for the violation of the laws or any ordinance of said city, unless two-thirds of all the aldermen authorized to be elected shall vote to remit the same, nor shall anything in this act contained be so construed as to deprive any court of jurisdiction to abate and remove nuisances in the streets, or any other part of said city, by indictment or otherwise. Fines.

§ 14. No vote of the common council shall be reconsidered or rescinded at a special meeting of said council, unless at such special meeting there be present as large a number of aldermen as was present when such vote was taken. Reconsideration.

§ 15. Every assessment or tax levied or assessed by the common council, the collection of which shall be delayed by injunction or other judicial proceedings, shall be a lien upon the property or premises assessed for the period of one year after the final disposition of the injunction, or other judicial proceedings, unless said legal proceedings shall be sustained. Secondly—if at any sale of real estate or personal property for taxes or assessments, levied or assessed by the common council by virtue of any of its corporate powers, no bids shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city, in its corporate capacity, of purchaser thereof, and shall be vested with the same rights as other persons under this act and the revenue laws of this state at such sales. Lien.

§ 16. In all cases prosecutions for violating any law or ordinance of said city, the first process shall be a summons, unless oath or affirmation be made by some officer of said Process.

city or other person, that an offence has been committed, a warrant or capias shall issue as in other cases, before justices of the peace. Secondly—in all suits for the violation of ordinances the writ shall specify the particular clause of the ordinance violated.

§ 17. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1859.

In force February 14, 1859. AN ACT extending the corporate limits and powers of the city and town of Pekin.

Limits extended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the corporate limits of the city of Pekin be, and the same is hereby extended over, and so as to include therein, all of the territory contained in the following boundaries, to wit: Beginning at the Illinois river on the south side of section four, in township twenty-four north, of range five, west of the third principal meridian, thence east to the southeast corner of section two, in said township, thence north two miles, thence west to the west bank of the Illinois river, thence down along the west bank of the Illinois river to a point due north of the place of beginning, thence south to the place of beginning. And all of the corporate powers, rights and privileges of said city of Pekin shall be and the same is hereby authorized to be held, exercised and enforced by the authorities of said city within said bounds to the same extent and in the same manner as they are now held and exercised within said city.

Sections added.

§ 2. *Be it further enacted*, That sections one, two, three and four, of township twenty-four north, of range five west of the third principal meridian, now contained in the town of Cincinnati, be and the same is hereby attached to and incorporated in the town of Pekin, and the same shall, for all school, town and county purposes, be and act as one and the same town, and the next town meeting in the town of Cincinnati shall be holden at the Woodrow school house, in Cincinnati town.

Roads.

§ 3. The voters of the town of Pekin, at their next town meeting, shall be and are hereby authorized to declare what roads in said town are now useless, and the same shall be deemed vacated thereby, and no longer be kept in repair; and they shall also, at said town meeting, or at any other town meeting, have full power and authority to declare what shall be public roads in said town, and where the same shall be located and opened, and how the same shall be built,

opened, worked, bridged or repaired; and having so decided on the place or plan of all or either of those things the supervisor of said town shall be and he is hereby authorized, after having advertised the same for three weeks in a newspaper in said town, to let, to the lowest bidder, the building, opening, working, bridging and repairing or keeping in repair such roads and bridges, on the place, plan and to the extent decided at such meeting, for the term of one year next following the date of such contract; and the contractor shall give bond to the supervisor of said town of Pekin in double the amount of his bid, conditioned that he will faithfully and fully execute his contract in the manner and at the time stipulated therein, in every respect whatever; and said contractor and his surety shall be liable to the extent of said bond, and he shall also be further liable to the said town of Pekin for all damages accruing to the town, or any inhabitant of this state, from any neglect, refusal or default on his part; and the town of Pekin may recover against said contractor and his security, on said bond, for any breach of its condition, or against the contractor, by action of debt, before any court having jurisdiction of the amount claimed, for any damages accruing to the town, or any such inhabitant, from any such cause.

§ 4. The supervisor of the town of Pekin shall report to the board of supervisors of the county, at their annual meeting for levying taxes each year, the amount of the contract price that year for building and repairing the roads and bridges in Pekin town for the ensuing year, and the amount so reported shall be levied by the supervisors and extended upon the lands and other property in said town, outside of the city limits, for road purposes. And any damages arising to any person or persons from the opening any new road or straightening any old road in the town, as required by the inhabitants of the town, at their annual town meeting, when agreed upon or assessed by the commissioners of highways of the town, shall be reported by them to the supervisor of the town, and be collected as other road taxes therein; and when the damages is so agreed upon or assessed; as now required by law, by said commissioners of highways, the said road and land so taken shall from thence, for all purposes, be deemed a public highway; and the person making the contract with the town for opening and building the roads therein shall proceed immediately to open such road, and such damages as may be then agreed upon or assessed, or such as may at any time thereafter be awarded or allowed to the party claiming it, shall be levied by the board of supervisors at their next annual meeting after such award, and be extended upon such property in the town as lies outside of the city limits, and now subject to road taxes, and, when collected, to be paid over by the supervisor of the town to the party entitled thereto; and no appeal shall be had from

Duty of supervisors.



the decision of the voters at their town meeting, as to the place of locating any road in the town; and all questions of damages shall be estimated on the principle of benefits accruing by the location or change of such road, as now required by law in such cases; and appeals from such assessments of damages shall be conducted as now required by law; and any person wantonly injuring or obstructing any road or bridge in such town shall, on complaint, be fined in any sum not less than the damages done; which fine may be recovered before any court having jurisdiction of the amount claimed, by action of debt, in the name of the town of Pekin.

§ 5. All acts and parts of acts coming in conflict with this act shall be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

APPROVED February 14, 1859.

In force January 26, 1859.

AN ACT to confirm an act entitled "An act to reduce the law incorporating the city of Quincy and the several acts amendatory thereof into one act, and to amend the same," approved January 30, 1857, and to amend the same and to legalize all acts of the said city under the provisions of said act, or any other acts heretofore passed in respect to the rights or powers of said city.

Act legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to reduce the law incorporating the city of Quincy, and the several acts amendatory thereof into one act and to amend the same," approved January 30, 1857, (in the engrossing of which act the enacting clause thereof was by accident omitted,) be and the same is hereby re-enacted, legalized and confirmed, and that the said act be in force and have operation and effect according to the terms thereof, in the same manner and to the same extent, in every respect, as if it had been passed and approved with the proper enacting clause prefixed thereto; and that all ordinances, acts and proceedings of the city of Quincy, of every kind and nature, passed, committed or done under and in pursuance of the provisions of said act, or of any other act or acts heretofore passed in respect to the rights or powers of the said city of Quincy, be, and the same are hereby legalized and confirmed, and made valid, obligatory and binding, as well in respect to the said city and the inhabitants thereof, as in respect to all other persons, bodies politic or corporate, interested in, or to be affected thereby.

§ 2. That for the collection of the revenues of said city, whether general or special, the said city shall be divided

Collection districts.

into three districts, denominated collection districts, bounded severally as follows, to wit:

First district, commencing at the centre of Vermont street, on the west line of the city, running thence east along the centre of Vermont street to the centre of Eighteenth street, thence south along the centre of Eighteenth street to the centre of Main street, thence east along the centre of Main street to the east line of the city, thence north to the northeast corner of the city, thence west to the northwest corner of the city, thence south to the point of beginning.

Second district, commencing at the centre of Vermont street, on the west line of the city, running thence south along the west line of the city to the centre of York street, thence east along the centre of York street to the centre of Twelfth street, thence north along the centre of Twelfth street to the centre of Jersey, thence east along the centre of Jersey street to the centre of Eighteenth street, thence north along the centre of Eighteenth street to the centre of Vermont street, thence west along the centre of Vermont street to the point of beginning.

Third district, commencing at the centre of York street, on the west line of the city, running thence south along the west line of the city to the southwest corner thereof, thence east to the southeast corner of the city, thence north to the centre of Main street, thence west along the centre of Main street to the centre of Eighteenth street, thence south along the centre of Eighteenth street to the centre of Jersey street, thence west along the centre of Jersey street to the centre of Twelfth street, thence south along the centre of Twelfth street to the centre of York street, thence west along the centre of York street to the point of beginning.

§ 3. At each annual charter election in and for said city there shall be elected a collector of the revenue for each collection district. The collector of the first district shall be elected by the voters of the first and sixth wards of the city; the collector for the second district shall be elected by the voters of the second and fifth wards of the city; and the collector of the third district shall be elected by the voters of the third and fourth wards of said city.

§ 4. In case of the nonpayment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof at any time within two years after the confirmation of the assessment by the city council. Before any such sale, an order shall be made by the city council, which shall be entered at large in the journals or records kept by the clerk, directing the collectors to sell, particularly describing the delinquent premises to be sold and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the collector of each collection district, which, together

with the warrant, shall constitute the process upon which such sale may be made.

Advertisement

§ 5. The collector of each collection district shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, which advertisement shall be published not less than ten times daily, describing the premises by figures or otherwise, with the name of the owner (when known) and the several amounts of the taxes and assessments thereon, and costs. Said notice shall also contain the time and place of sale. The proceedings may be stopped at any time in the payment of the taxes or assessments and costs due thereon; at the time of making payment.

Sales.

§ 6. All sales shall be conducted in the manner required by law, but the city council shall have the power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken off the east side of said lots, extending the whole length thereof, provided said lots have a northerly or southerly front, and from the north side extending the whole length thereof, should said lots have an easterly or westerly front. The collectors, upon making such sales shall return to the office of the clerk of said city a certified copy of the sale by him made, which shall be entered by said clerk in a book kept for that purpose. The collectors shall be allowed such fees for selling and making return of said sales, as may be provided by ordinance; and the clerk of said city shall be allowed for making record of sales returned such compensation as may be provided by ordinance.

Officers.

§ 7. At each annual charter election in and for said city, there shall be elected by the voters of said city, a city clerk, city treasurer, city engineer, city attorney, city physician, city measurer, city sexton, street commissioner, harbor master, clerk of the market, overseer of the poor, chief engineer of the fire department and a superintendent of public schools.

License.

§ 8. The city council of the city of Quincy shall, at its stated monthly meeting, on the first Monday of April, annually, determine whether licenses may issue for the sale of spirituous liquor and beer for the ensuing year; and in case they determine that such licenses may issue, the said city council, at said stated meeting, shall fix the price or rates of such licenses, and the price or rates so fixed shall not be changed for one year thereafter; and no license issued for the sale of spirituous liquors or beer shall run beyond the first Monday of the next succeeding April.

Sections repealed.

§ 9. All of sections "seven" and "eight," of chapter "three," and so much of section "one," of chapter "four," as refers to clerk, treasurer, street commissioner and chief engineer of the fire department, and also section "fifty" of



said chapter "four,"<sup>5</sup> of the act to which this act is a confirmation and amendment, are hereby repealed.

§ 10. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED January 26, 1859.

AN ACT to amend "An act to amend the charter of the city of Rockford." In force April 26, 1859.

SECTION 1: *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and seventy-five of the "Act to amend the charter of the city of Rockford," passed March, 1854, be amended by substituting the word "stated" for the word "settled," and the word "recorded" for the word "recovered," where those words occur in that section. Section amended.

APPROVED February 24, 1859.

AN ACT to incorporate the city of Sparta, in Randolph county.

In force February 21, 1859.

# ARTICLE I.—Of Boundaries and General Powers.

SECTION 1: *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Sparta and all that district of country hereinafter described, in the county of Randolph, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Sparta," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Style.

§ 2. All that district of country embraced within the following boundaries, to wit: Beginning at the northwest quarter of the southwest quarter of the southeast quarter of section thirty-six in township four south, range six west, and running south one mile and one-quarter; thence east one mile and three-fourths; thence north one mile and one-fourth; thence west one mile and three-fourths to the place of beginning, is hereby declared to be within the boundaries of the said city of Sparta. City limits.

§ 3. The present board of trustees of the town of Sparta shall, on or before the first Monday of May next, divide the said city of Sparta into four wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

Additions.

§ 4. Whenever any tract of land adjoining the city of Sparta shall be laid off into town lots, the same shall be recorded, as now required by law, and shall be annexed to and form a part of said city of Sparta.

General corporate powers.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and to be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property; and to do all other things in relation thereto as may be necessary.

## ARTICLE II.—*Of the City Council.*

Council.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

Aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years.

Eligibility.

§ 3. No person shall be an alderman unless, at the time of his election, he shall have resided six months within the limits of the city, and shall be, at the time of his election, twenty-one years of age, and a citizen of the United States, and a freeholder within the city limits.

Removal.

§ 4. If any alderman shall, after his election, remove from the ward for which he was elected, his office shall thereby be declared vacated.

Classes.

§ 5. At the first meeting of the city council, the aldermen of each ward shall be divided, by lot, into two classes; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that half of the board shall be elected annually.

Qualifications.

§ 6. The city council shall judge of qualifications, elections and returns of their own members, and shall determine all contested elections.

Quorum

§ 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Rules.

§ 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceedings, and, from time to time, publish the same in some newspaper published in said city having the largest circulation therein; and the yeas and nays, when demanded by any member present, shall be entered on the journal of proceedings. Journal.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected. Prohibition.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies.

§ 12. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and abilities. Oath.

§ 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same, by lot, in such manner as shall be provided by ordinance.

§ 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance. Monthly meetings.

### ARTICLE III.—*Of the Chief Executive Officer.*

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and who shall hold his office for one year and until his successor shall be elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States and a freeholder within the city limits.

§ 3. If any mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same, by lot, in such manner as may be provided by ordinance. Decision by lot.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance. Contest.

§ 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.



ARTICLE IV.—*Of Elections.*Officers to be  
elected.

§ 1. On the first Monday of May next an election shall be held in each ward of said city for one mayor for said city, one marshal, one treasurer, one assessor, one street commissioner, and two aldermen for each ward; and forever thereafter, on the first Monday in May of each year, there shall be an election held in each ward of said city for one mayor of the city, one marshal, one treasurer, one assessor, one street commissioner, and one alderman of each ward. The present board of trustees of the town of Sparta shall make the necessary arrangements for said first election, and the returns thereof shall be made as at present provided by ordinance of said trustees.

Voters.

§ 2. All free, white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city thirty days next preceding any city or ward election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in all city or ward elections in the wards in which they respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

Recorder.

§ 1. The city council shall have power and authority to create and establish the office of city recorder for said city, and shall have power to elect an officer, to be called city recorder, who shall hold his office until the first Monday in May next after his said election, and until his successor shall be duly elected and qualified; and on the first Monday in May every year thereafter, the qualified voters of said city shall elect a city recorder for said city, who shall hold his office for one year from and after his election, and until his successor shall be duly qualified; and said elections of recorder by the qualified voters aforesaid, shall be held, conducted and returns thereof made in the same manner as is or shall be provided by the ordinances of said city for the election of mayor and aldermen thereof.

Tie.

§ 2. When two or more persons shall have an equal number of votes for recorder, or when an election for recorder shall be contested, the same proceedings shall be had to determine the questions and rights of the parties, as by the ordinances of said city shall be prescribed in the case of the election of mayor, or when the election of said mayor may be contested.

Certificate of  
election.

§ 3. It shall be the duty of the clerk of said city, immediately after the election of recorder shall have been had, to

file a certificate of the election of the person who shall be declared to be duly elected to the office of recorder with the county clerk of Randolph county, whose duty it shall be to file and preserve the same, and enter it upon the books kept by the said clerk for recording the election of justices of the peace for said county; and the said county clerk shall, when required, certify to his official character, as in cases of justices of the peace.

§ 4. No person shall be eligible to the office of city recorder who is not above the age of twenty-one years, and who shall not have resided in said city one year next preceding his election, and be a freeholder within the city limits. Eligibility

§ 5. The said recorder shall be commissioned by the governor as a justice of the peace, and shall be conservator of the peace in said city, and shall have power and authority to administer oaths, issue writs and process, under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law. Commissioner.

§ 6. The said recorder, when duly qualified, shall have, possess and exercise concurrent jurisdiction with the mayor of said city in and over all cases arising under the ordinances thereof, and he shall also have additional statute, criminal and common law jurisdiction in all cases where the demand, damages or fine does not exceed five hundred dollars, and where the imprisonment extends only to the county or city jail: *Provided*, that the city marshal of said city, or any other officer authorized to execute writs or process, issued by the said recorder, shall have power to execute the same anywhere within the limits of Randolph county. Jurisdiction.

§ 7. He shall hold a recorder's court in said city for the trial of all cases arising under the ordinances of said city, or the additional jurisdiction herein conferred upon him; said court to be held in the manner which may, by ordinance, be prescribed for holding the mayor's court of said city: He shall keep a docket, in which shall be entered all cases tried before him, in the same manner as is required of justices of the peace by the laws of this state. Court.

§ 8. All appeals from the decision of the said recorder or from any judgment entered by him shall be taken within five days from and after the rendition of judgment: *Provided*, that in case the city of Sparta be the appellant the appeal shall be granted on application and without requiring an appeal bond to be filed, as in other cases of appeal. Appeals.

§ 9. The said recorder shall have the same power to punish for contempt as is now or may be conferred upon justices of the peace, by the laws of this state, and for such contempts may enforce a fine not exceeding fifty dollars, and on failure to pay the same he may commit the offender Contempt.

forthwith to prison, until the fine and costs shall be paid, as may be provided by ordinance.

Absence.

§ 10. In case said recorder shall remove from said city, or resign or die, or his office shall be otherwise vacated, the city council shall, by resolution, declare the office vacant, and whenever a vacancy shall occur in the office of recorder the same shall be filled by a special election, which shall be held, conducted and returns thereof made in the same manner as may be provided by ordinance for the election of mayor of said city, at a special election.

Vacancy.

§ 11. Whenever a vacancy shall occur in the office of recorder, or when said recorder, on account of temporary absence from the city or ill health, shall be unable to perform the duties of the office, the mayor of said city shall act as recorder until an election shall be held and the recorder qualified, or until his return to the city or the restoration of his health, and, while acting as recorder, the said mayor shall be vested with the same powers as are hereby conferred upon the said recorder.

Penalties.

§ 12. The said recorder shall, for like offences, be subject to the penalties imposed upon the mayor of said city.

Oath.

§ 13. Before entering upon the duties of his office the said recorder shall take and subscribe the oaths prescribed by the constitution of this state, and shall file a bond as is required by law of justices of the peace.

Salary.

§ 14. Said recorder shall receive for his services such salary and fees as may, from time to time, be fixed by resolution or ordinance of said city council.

Resignation.

§ 15. In case the recorder, mayor or any alderman of said city shall resign his office, such resignation shall be made in writing, and shall be addressed to the city council of said city.

Taxes.

§ 16. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner, to be prescribed by ordinance, not repugnant to the constitution and laws of the United States or of this state.

Appointed officers.

§ 17. The city council shall have power to appoint a clerk, attorney, collector, city surveyor and all such other officers as may be necessary.

Bonds of officers.

§ 18. The city council shall have power to require of all officers appointed or elected, in pursuance of this charter, to give bonds with penalty and security for the faithful performance of their respective duties, in such sums as may be deemed proper, and also to require all officers of said city to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to borrow money on the credit of the city, by and with the consent of a majority of the voters present at



an election for the purpose: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real property within the limits of the city.

§ 19. To appropriate money and provide for the payment of the debts and expenses of the city.

§ 20. To make regulations to prevent the introduction of contagious diseases into the city, and to enforce the same within three miles of the city.

§ 21. To establish hospitals and make regulations for Hospitals. the government of the same.

§ 22. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 23. To provide the city with water; to erect hydrants and pumps in the streets for the convenience of the inhabitants. Waterworks

§ 24. To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, lanes, avenues and alleys.

§ 25. To establish, erect and repair bridges within the city limits.

§ 26. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require. Wards.

§ 27. To provide for lighting the streets and erecting lamp posts.

§ 28. To establish, support and regulate night watches.

§ 29. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

§ 30. To provide for the erection of all needful buildings for the use of the city. Public build- ings.

§ 31. To provide for inclosing, improving and regulating all public grounds belonging to the city.

§ 32. To license, tax and regulate auctioneers, merchants, retailers, hawkers, peddlers, pawnbrokers and money changers. Licenses.

§ 33. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage or drayage of property.

§ 34. To license and regulate porters and fix the rate of portage.

§ 35. To license or prohibit, tax and regulate theatrical or other shows, exhibitions and amusements.

§ 36. To prohibit and suppress gaming, bawdy and disorderly houses.

Fire depart-  
ment.

§ 37. To provide for the extinguishment of fires; to organize and establish a fire department, with the necessary officers, and to organize, establish and equip fire companies.

§ 38. To regulate the fixing of chimneys and chimney flues.

§ 39. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.

§ 40. To regulate and order parapet walls and partition fences.

Standard  
weights and  
measures.

§ 41. To establish stands, [standard] weights and measures, to be used in the city, in all cases not otherwise provided for by law.

§ 42. To provide for the inspection and measurement of lumber and other building [material,] and for the measurement of all mechanical work.

§ 43. To provide for the inspection and weighing of hay and stonecoal, the measuring of charcoal, fire-wood and other fuel to be sold or used in the city.

§ 44. To provide for and regulate the inspection of beef, pork, flour, meal and grain.

§ 45. To regulate the inspection of butter, lard, cheese and other provisions.

§ 46. To regulate the weight, quality and price of bread to be sold and used in the city.

§ 47. To regulate the size of bricks to be sold or used in the city.

Census.

§ 48. To provide for taking enumerations of the inhabitants of the city.

§ 49. To regulate the election of city officers, and to provide for removing from office any person holding an office created by ordinance.

Animals.

§ 50. To restrain, regulate and prohibit the running at large of any hogs, cattle, sheep, swine goats or other animals, and to authorize the distraining, impounding and sale of the same, and to prevent any indecent exhibition of horses or other animals within the city limits.

Dogs.

§ 51. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same, when at large contrary to ordinance.

§ 52. To prohibit any indecent public exposure of person in the city limits, and to punish the same.

Riding.

§ 53. To prevent horse racing or any immoderate riding or driving within the city limits of horses, oxen or any other animals, and to punish the same. To prohibit and punish any person for the abuse of any horse, mule, ox or any other animal within the city limits.

Breaches of the  
peace.

§ 54. To prevent and punish all breaches of the peace, and all disturbance of the public quiet, by loud and unusual noises, shooting, or by any other mode, within the city limits.

§ 55. To prevent and punish all noise, disturbance, Disturbance.  
amusement or labor on the Sabbath, usually called Sunday,  
within the city limits.

§ 56. To prevent and punish any and all persons who Indecency.  
shall use any vulgar or profane language, or who shall  
circulate or have in their possession, any profane, vulgar or  
obscene paper or pictures, either written or printed, within  
the city limits.

§ 57. To suppress and prohibit all groceries, disorderly  
houses, houses of ill fame, and to suppress and prohibit  
every species of gambling and other fraudulent abuses, and  
all billiard tables, ball alleys, beer shops and gaming and  
other immoral establishments of every kind, description and  
character within the city limits.

§ 58. To license or suppress and prohibit the selling or Liquors.  
bartering, exchanging or giving away of wines, gin, rum,  
brandy, beer, whisky, or any other intoxicating liquor or  
beverage, within the city limits: *Provided*, that the city  
council may permit druggists to sell the same in good faith,  
for mechanical, medicinal or sacramental purposes, upon  
executing bond to the said council in such sum as they may  
direct, and taking such oath for the faithful and impartial  
discharge of their duties as herein prescribed, as may be  
required by said council.

§ 59. To lay a tax on all the real and personal estate in School tax.  
said city, if the same be necessary, to aid in building school  
houses, paying the teachers, furnishing libraries for schools  
in the city, and such other purposes as may from time to  
time be requisite for keeping in constant and healthy opera-  
tion a sufficient number of common schools and school  
houses, for the comfortable and efficient instruction of each  
and every child within the limits of said city; such tax,  
when collected, to be paid to the board of school inspectors  
of said city.

§ 60. To regulate the police of the city, to impose fines, Police.  
forfeitures and penalties for the breach of any ordinance,  
and to provide for the recovery and appropriation of such  
fines and forfeitures, and the enforcement of such penalties.

§ 61. To fix the compensation of all city officers, and  
regulate the fees of witnesses, jurors and others, for services  
rendered under this act, or any ordinance.

§ 62. The city council shall have power to levy and Compensation.  
collect a tax on all the real and personal property within  
the city limits, not exceeding one-fourth of one per cent., for  
the purpose of repairing the streets and roads within the  
limits of the incorporation, if the same as in their judgment  
shall be necessary.

§ 63. All moneys collected under and by authority of Street tax.  
any city ordinance, shall be deemed and taken to belong to  
said city, and shall be disposed of by the city council, under



the ordinances of said city, for the general use and benefit of the inhabitants thereof.

Bridewell.

§ 64. The city council shall have power to provide for the erection of a bridewell and city jail, and all other buildings which they shall deem useful and proper for the use of the city.

§ 65. The city council shall have full power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act.

Style of ordinances.

§ 66. The style of the city ordinances shall be, "*Be it ordained by the Mayor and Common Council of the City of Sparta.*"

Publication of ordinances.

§ 67. All ordinances passed by the city council shall, within twenty days after they shall have been passed, be published in the newspaper published in the city having the largest circulation, and shall not be in force until they have been published as aforesaid.

§ 68. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

#### ARTICLE VI.—*Of the Mayor.*

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of nonattendance of the mayor at any meeting the board of aldermen shall appoint one of their own members chairman, who shall preside at that meeting.

§ 2. The mayor or any two aldermen may call special meetings of the city council.

Enforcement of laws.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the militia, to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the said city a fine not exceeding ten dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any officer of the said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservator of the peace in said city, and shall have power and authority to administer oaths, issue writs and processes, under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city; which shall be good and valid in law.

Mayor commissioned by the governor.

§ 8. He shall have jurisdiction in all cases arising under the ordinances of the city, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the county of Randolph, arising under the laws of this state, and shall receive the same fees and compensation for his services as justices of the peace receive in similar cases.

Jurisdiction.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within three miles of the boundaries of the city, for the purpose of enforcing the health ordinances and regulations thereof.

§ 10. He shall receive for his services such salary as shall be fixed by ordinance of the city.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty or shall willfully and corruptly be guilty of oppression, malconduct or partiality in discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Randolph county, and, on conviction, he shall be fined not more than five hundred dollars; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

The neglect of duty.

## ARTICLE VII—Of *Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the city council shall make a just compensation therefor to the person whose property is taken, and if the amount of such compensation therefor to the person whose property is so taken cannot be agreed upon the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

The seizure of private property.

§ 2. When the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon condition, to be prescribed by ordinance; but no compensation in such case shall be made to those whose property

Opening of the streets, &c.

shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Damages to be assessed.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, and signed by each juror.

§ 4. In ascertaining the amount of compensation for property taken for opening or widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

§ 5. The mayor shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, or part of any lane, avenue or alley, according to their respective fronts, owned by them, for the purpose of paving and grading the side-walks and lighting said street, lane, avenue or alley.

#### ARTICLE VIII—*Miscellaneous Provisions.*

Working of the roads.

§ 1. The inhabitants of the city of Sparta are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work on the same: *Provided*, that the city council may cause one-fourth of the labor tax to be laid out on roads leading into said city, from either side thereof, and may expend a portion of the city tax upon the same, not to exceed one-fourth of the amount annually assessed.

Improvement of streets, &c.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant of said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding four days in each and every year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.



§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys received and expended by the city during the preceding year, and on what account received and expended, which statement shall be published in the newspaper printed and published in said city, having the largest circulation therein. Published.

§ 5. All ordinances and resolutions passed by the trustees of the town of Sparta shall remain in force until the same shall have been repealed by the city council hereby created. Ordinances, &c

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of "The City of Sparta." Suits.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the trustees of the town of Sparta shall be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the trustees of the town of Sparta, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created. Property of the town of Sparta.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Sparta, nor divest them of any rights which may have accrued to them prior to the passage of this act. Acts of president, trustees, &c.

§ 10. The trustees of the town of Sparta shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Sparta, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers of said city, for two weeks in succession, prior to the day of election for said officers. To promulgate law.

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Randolph county; and every such appeal shall be taken and granted in like manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court, under the laws of this state. Appeals.

§ 12. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office be otherwise vacated, the board of aldermen shall proceed immediately to elect one of their number president, who shall be mayor *pro tem*. Vacancy in the office of the mayor.

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without proof. Public act.

§ 14. All acts or parts of acts coming within the provisions of this charter, or contrary to or in any way inconsistent therewith, are hereby repealed.

Marshal.

§ 15. The city marshal or any other person or persons authorized to execute writs or other process issued by the mayor or recorder, shall have power to execute the same anywhere within the limits of the county of Randolph, and shall be allowed the same fees for traveling as are now by law allowed to sheriffs for the same or similar services.

§ 16. The common council of said city shall have no power to remit any fine imposed upon any person for the violation of any ordinance or law of said city, unless two-thirds of all the aldermen authorized to be elected by this act shall vote such remission; nor shall anything in this act contained be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any part of said city, by indictment or otherwise.

§ 17. No vote of the common council shall be reconsidered or rescinded at any special meeting of said council, unless at such special meeting there be present as large a number of the aldermen as were present when such vote was taken.

Lien.

§ 18. Every assessment or tax levied or assessed by the common council, the collection of which shall be delayed by injunction or other judicial proceedings shall be a lien upon the property or premises so assessed for the period of one year after the final disposition of the injunction or other judicial proceeding, unless such injunction shall be sustained. Secondly, if at any sale of real or personal property for taxes or assessments levied or assessed by the common council, in virtue of any of its corporate powers, no bids shall be made for any parcel of land or for any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive, in their corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers under the revenue laws of this state at such sales.

§ 19. In all prosecutions for violations of any ordinance of said city, the first process shall be a summons, unless oath or affirmation be made by some officer of said city or other person for a warrant, as in other cases before a justice of the peace; secondly, in all suits for the violation of ordinances of said city, the writ shall specify the particular clause of the ordinance so alleged to have been violated.

Election.

§ 20. This charter shall be submitted to a vote of the legal voters of Sparta on the first Monday of April, A. D. 1859, and if a majority of the votes cast at said election shall be given "For the City Charter," this act of incorporation shall be in full force and effect; but if a majority of the votes cast shall be "Against the City Charter," then this act of incorporation shall not take effect nor be in force.

APPROVED February 24, 1859.

## AN ACT to amend the charter of the city of Springfield.

In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the city of Springfield, shall be, and are hereby so extended as to embrace and include within said city, and subject to its jurisdiction, and to its charter and ordinances, the following additional lands and territory, to wit: The northeast quarter of the northwest quarter, and the north half of the northeast quarter of section number twenty-eight (28), the north half of the northwest quarter, and the north half of the northeast quarter of section number twenty-seven (27), and the northwest quarter of the northwest quarter of section number twenty-six (26), all in township number sixteen (16) north, of range number five (5) west of the third principal meridian.

Extension.

§ 2. Section two, of article two, of the charter of said city, is hereby so amended that the mayor, the city clerk, the city attorney, the city marshal, the city assessor and collector, the city treasurer and city supervisor, shall be elected by the qualified voters of said city at the annual charter election to be held on the first Tuesday of April in each year. There shall also be elected at the same time in each ward, by the qualified voters thereof, one alderman to represent such ward in the city council. All officers elected or appointed under said charter, except aldermen, shall hold their offices for one year, and until the election or appointment and qualification of their successors respectively. All other officers mentioned in said charter, and not otherwise specially provided for, shall be appointed by the city council by ballot, on the second Monday in April in each year, or as soon thereafter as may be. But the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council, and subject to removal from office by the mayor for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only and until the election or appointment and qualification of their successors.

Amendments.

§ 3. Section six, of article four, of the charter of said city shall be so amended that the mayor of said city shall receive such salary as may be provided by ordinance, not exceeding one thousand dollars per annum.

§ 4. Section thirteen (13), of article four (4), of the charter of said city is hereby so amended that the city marshal or police constables shall not serve and execute civil process, other than for the city, without the consent of the city council of said city; and the city council of said city shall not give such consent to the detriment of the interests of the city.



Additional  
powers.

§ 5. That in addition to the powers conferred by the charter of said city, the city council shall have power, within the jurisdiction of said city, by ordinance—

*First.*—To regulate agencies of all insurance companies, and to license, tax and regulate agents of all such insurance companies doing business in said city.

*Second.*—To suppress, restrain, abate or prohibit within said city, and within two miles of the limits thereof, disorderly houses, tippling shops and groceries, bawdy houses, houses of ill-fame, gambling houses, and all riotous and disorderly assemblages.

*Third.*—To suppress and punish vagrancy, to define what acts shall constitute vagrancy and who shall be deemed vagrants.

*Fourth.*—To regulate all cemeteries or burying grounds within two miles of the city, and to punish by fines, penalties or imprisonment all persons who shall trespass upon or desecrate the same, or violate the provisions of any ordinance in relation thereto, in the same manner as if the offence were committed within the city.

Collection of  
assessments.

§ 6. That in addition to the provisions of section eleven, of article seven, of the charter of said city, when the commissioners appointed for assessing the damages and benefits for making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, shall have reported their assessment of damages and benefits to the city council, and the city council shall have approved the same, such assessment may at any time thereafter be collected of the owner of the lot, land or premises against which the same is assessed, and recovered by suit in the name of the city, before any court having jurisdiction, or the city council may, by the passage of an ordinance or resolution, to be entered at full upon the journal by the city clerk, levy and assess the amount of such assessment against the land, lot or premises against which the same is assessed by the commissioners, and direct that a warrant issue for the collection of the same; and such warrant shall be collected by the sale of the land, lots or premises against which such assessments are made, in the manner provided in the ninth article of said city charter, for the collection of taxes and assessments; and such assessments shall be a lien in the manner provided in the fourth section of said article. The ordinance or resolution of the city council levying such assessment shall contain a correct list and description of the lands, lots or premises, with the name of the owner thereof, if known, and with the amount assessed against each tract of land, lot or premises, set opposite thereto.

Conveyance.

§ 7. The commissioners appointed to assess the damages for making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, when all the proceedings shall have been completed, and the dam-

ages paid or tendered to the owners of the land taken, in the manner required by law, shall, by deed, convey to the city the lands, lots or real estate so taken; and such deed shall vest such lands and real estate in the city for the use of the public, and shall be conclusive evidence that all proceedings were in conformity with the charter and ordinances of said city.

§ 8. The city council of said city may cause the resurvey of said city, or of any addition thereto, and may correct any errors which may be found in the original surveys of the same; and may cause all lands and real estate within the city to be surveyed and correctly described by metes and bounds, or otherwise, or designated by numbers, so as to be properly assessed for taxation; and may regulate the renumbering of the blocks and lots of the city, and the numbering of the lots, blocks or lands not already numbered, or which may hereafter be laid out or subdivided, and may cause maps or plats of such lands, blocks or lots, to be made and recorded; and the number or other designation of such lands, lots or blocks, upon such maps or plat shall be a good and valid description thereof in all conveyances, assessment or tax lists, or other proceedings. Resurvey.

§ 6. The city council shall have power to adopt a plan for the laying out and platting of all additions which may be made to the city, or of subdivisions of lands lying within the city, or within one-half mile of the limits thereof, so as to establish regularity and uniformity in the streets and highways of the city and vicinity, and to require that all additions and subdivisions which may be so laid out or platted, shall conform to such plan. And no map or plat of any addition to said city, or of any subdivision of lands lying within the same, or within one-half mile of the limits thereof, shall be entitled to record, or shall be recorded in the office of the recorder of Sangamon county, until the same shall have been approved by the city council of said city; and all such additions or subdivisions shall be null and void, unless a correct plat or map thereof shall be approved by the city council of said city before the same is filed for record. Additions.

§ 10. The city of Springfield shall not be liable for any damages or injury arising from the bad condition of the streets, alleys or highways of the city, by reason of the neglect of the proper officer of said city to repair the same, until the supervisor of said city shall have been notified thereof, and shall have failed to repair the same within a reasonable time after such notice. Damages.

§ 11. When the ordinances of said city shall be printed and published in book or pamphlet form, and such book or pamphlet purports by its title to be published by authority of the city council of said city, the same shall be received as *prima facie* evidence of the due passage, publication and promulgation of said ordinances, in all courts and places. Ordinances.

County reve-  
nue.

§ 12. The county court of Sangamon county shall cause an accurate account to be kept of all expenditures made for county purposes, and shall charge all expenditures made for county purposes (excepting for the making and repairing of roads and highways, and the building and repairing of bridges in said county, without said city,) rateably to said county and to the city of Springfield, in proportion to the taxes collected for county purposes within said city and in the county without said city and paid into the county treasury by each respectively. And the surplus of all taxes which may be collected for county purposes, after making the charges to the city and county in the manner herein required, shall be divided between the said city and the said county in proportion to the amount of taxes collected for county purposes within said city and in the county without said city, and paid into the county treasury by each respectively. And the county judge of said county and the mayor of the city of Springfield, shall ascertain the proportion of taxes to be paid to the city of Springfield under the requirements of this section, and as soon thereafter as the county taxes shall be paid into the county treasury, the treasurer of said county shall pay to the treasurer of the city of Springfield, a sum equal to three-fourths of the proportion of said taxes to which the said city may be entitled under the provisions of this section; and the same shall be exclusively expended by said city in improving and repairing the streets, alleys and highways, and in building and repairing the bridges within the city.

Avenue.

§ 13. The city council of said city shall have power to lay out and open an avenue or highway to the width of eighty feet along the corporation line around said city; and such avenue or highway shall be so laid out and opened that the corporation line shall be the centre line thereof; and if the amount of compensation to be paid to the owners of the real estate which may be taken and appropriated for the laying out and opening of such avenue or highway cannot be agreed upon, the city council shall cause the damages arising from the laying out and opening of such avenue or highway to be assessed against the real estate within and without said city, which may be benefitted by the laying out and opening of such avenue or highway, in the same manner in all respects as is prescribed in the seventh article of the charter of said city, and in the sixth and seventh sections of this act, for assessments for laying out and opening streets, avenues and highways within the city; and such assessments may be collected in the same manner in all respects as assessments for laying out and opening streets, avenues and highways within the city, and shall be a lien upon the real estate against which they may be made in like manner.

Cemetery.

§ 14. Lots number five (5), six (6), and the south half of lot numbered four (4), of the subdivision of the east half of



the northeast quarter of section number twenty-one (21), in township number sixteen (16) north, of range number five (5), west of the third principal meridian, containing twenty-eight and four-sevenths (28  $\frac{4}{7}$ ) acres, and purchased by said city for cemetery purposes, is hereby established and set apart for the burial of the dead, and shall be known as Oakridge Cemetery.

§ 15. The city council of said city shall cause the grounds of said cemetery to be subdivided and laid out into such divisions, blocks, squares or lots, with suitable avenues, walks and alleys, designated or numbered in such manner as may be deemed expedient, and shall cause a correct map or plat thereof to be made out and acknowledged by the mayor and city clerk of said city, under the corporate seal thereof, and filed and carefully preserved in the office of the city clerk, and a true copy thereof shall be entered and recorded in the records of said cemetery in his office; and the entry of the said map or plat upon the records of said cemetery in the office of the city clerk, shall be sufficient without further record thereof; and all sales, conveyances or transfers of lots in said cemetery, by reference to said map or plat, shall be good and valid.

§ 16. The conveyance or transfer of lots in said cemetery from the city to purchasers, may be by deed or certificate in such form as the city council may prescribe, signed by the mayor and city clerk, under the corporate seal, without acknowledgment; and such deed or certificate shall vest the title to the lot so conveyed or transferred in the purchaser, his heirs and assigns, in *fee simple*, for burial purposes only, subject to such reasonable conditions, rules and regulations as the city council of said city may prescribe. The conveyance and transfer of lots in said cemetery, from one purchaser to another, may be by surrender of the original deed or certificate to the city clerk, and the city clerk, upon such surrender being made, shall make out and execute a new deed or certificate to the assignee; and such deed or certificate shall vest the title of the lot so conveyed or transferred in the grantee, in the same manner as the same was vested in the original purchaser. But the city council may, in its discretion, prescribe the manner and form of conveying and transferring lots in said cemetery.

Conveyance of  
lots.

§ 17. The city clerk shall keep a cemetery record, in such manner as the city council shall prescribe, in which he shall enter an abstract of all sales of lots in the cemetery, specifying the number of the lot sold or transferred, the name of the purchaser or assignee, the amount paid, and the date of the deed or certificate of sale or transfer.

Cemetery re-  
cord.

§ 18. No lot in said cemetery shall be so sold, conveyed or transferred, as to be owned in severalty by two or more persons; but any lot may be owned by two or more persons as tenants in common. And neither the city nor owners of

Title in sever-  
ally.

lots in said cemetery shall convey, transfer, appropriate or use, any lot or other part of said cemetery grounds for other than cemetery and burial purposes; except that a portion of said grounds, not exceeding three acres, may be appropriated for the use of the city sexton residing at the cemetery.

§ 19. No public road or highway shall be located or laid out through, over or upon said cemetery grounds; nor shall any part of said grounds be taken or condemned for any public use or purpose whatever, other than cemetery and burial purposes.

Records of cemetery. § 20. The records of said cemetery, kept in the office of the city clerk, shall be evidence of the facts therein stated in all courts and places.

Additional rules. § 21. The city council may, by ordinance, prescribe such additional rules and regulations concerning said cemetery as may be deemed expedient.

Town branch. § 22. The city council of said city shall have power to sewer the water course known as the town branch in said city, and for that purpose may alter, change and straighten the channel of the same; and said city, by its officers or agents, shall have power, for the purpose of laying out or constructing such sewer, to enter upon any real estate owned by any private persons, through or adjoining which such sewer may be laid out and constructed, and may deposit and keep materials thereon for such purpose, in such manner as not unnecessarily to obstruct or incommode the use of such real estate by the owner thereof.

Survey. § 23. Before proceeding to construct such sewer, the city council shall cause a survey of said town branch to be made, and a plat to be made out and recorded in the office of the city clerk, showing the line of such proposed sewer, and the lands, lots or real estate through or adjoining which the same will run, and if the amount of the damages or benefits arising from the construction of such sewer through or adjoining such lands, lots or real estate, can not be agreed upon, the city council shall cause the damages to such real estate, arising from the construction of such sewer through or adjoining the same, and the costs and expenses of the construction of such sewer, to be assessed against the lots and real estate through or adjoining which said sewer may run, which may be benefitted thereby; and for the purpose of ascertaining such damages and benefits, the city council shall, by a vote of a majority of all the members elected, choose, by ballot, three disinterested freeholders and residents of the city as commissioners to ascertain and assess the damages and compensation to be paid to the owners of the lots and real estate through or adjoining which such sewer may be constructed, and caused by the construction of such sewer, and at the same time to determine what lots or real estate will be benefitted by the construction of such sewer through or adjoining the same, and assess the dam-

ages caused by the construction of such sewer, and the costs of constructing and building the same, against the lots and real estate benefitted thereby, as near as may be, to the benefits resulting to each lot or tract.

§ 24. The commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath before some officer authorized by law to administer the same, that they will faithfully and impartially perform and discharge their duties to the best of their skill and ability; and before proceeding to make their assessments, shall give at least ten days' notice to all owners of lots or real estate through or adjoining which such sewer may run, of the time and place of their meeting for the purpose of viewing such lots or real estate and making their assessments. Such notice shall be given personally, where the owners of the lots and real estate are residents of the city and known, and by publication in the newspaper publishing the ordinances of the city, where such owners are non-residents of the city or unknown.

Oath of commissioners.

§ 25. The commissioners, upon the day appointed for making their assessments, shall meet at the time and place appointed, and shall proceed to view the lots or real estate through or adjoining which such sewer may run, and may, in their discretion, receive any legal evidence which may be adduced in relation thereto, and may, if necessary, adjourn from day to day; and, having ascertained the damages and benefits to the lots and real estate through or adjoining which such sewer may run, arising from the construction of such sewer, the commissioners shall apportion and assess the damages, together with the costs and expenses of the construction of such sewer against the lots and real estate by them deemed benefitted by the construction of such sewer through or adjoining the same, in proportion, as near as may be, to the benefits resulting from such improvement to each lot or tract. When the commissioners shall have completed and revised their assessments, they shall sign and return the same to the city council without delay.

View.

§ 26. When the commissioners shall have returned their assessment to the city council, the city clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, stating that such assessment has been returned to the city council, and will be confirmed by the city council on a day to be specified in such notice, unless objections are made thereto by some person interested in the same. The city council shall hear such objections as may be offered, and the hearing thereof may, if necessary, be adjourned from day to day. The city council may confirm or annul the assessments, or refer them back to the commissioners for correction, amendment or otherwise. If the assessments shall be annulled, all the proceedings shall be void; if confirmed, an order of confirmation and ap-

Return.

Confirmation.



proval shall be entered. If the assessments shall be referred back to the same or other commissioners, to make the assessments anew, they shall proceed to give the same notices and make their assessments and return the same in the same manner, in all respects, as is herein required in relation to the first assessment; and all parties interested shall have the same rights, and the city council shall perform the same duties and have the same powers in relation to any subsequent assessment, as are herein prescribed in relation to the first.

Collection.

§ 27. When the assessments of the commissioners shall have been finally confirmed and approved by the city council, the city council may, by the passage of an ordinance or resolution, to be entered at full upon the journals by the city clerk, levy and assess the amount of such assessments against the lots and real estate upon which the same is assessed by the commissioners, and direct that a warrant issue for the collection of the same; and such warrant may be collected by sale of the lots or real estate against which said assessments are made, in the manner provided in the ninth (9th) article of the charter of said city, for the collection of taxes and assessments, and such assessments shall be a lien in the manner provided in the fourth section of said article. Such assessment may also, at any time after the approval and confirmation thereof, be collected of the owner of the lot or real estate against which the same is assessed, and recovered by suit in the name of the city, before any court having jurisdiction. The ordinance or resolution of the city council levying such assessments shall contain a correct list and description of the lots and real estate, with the name of the owner thereof, if known, and with the amount assessed against each tract, lot or premises set opposite thereto.

Removal of  
commissioners

§ 28. The city council may remove the commissioners appointed under this act, and, from time to time, appoint others in place of such as may be removed, or neglect, or refuse, or are unable from any cause to serve.

Appeal.

§ 29. Any person interested may appeal from the final order of the city council confirming and approving such assessment, to the circuit court of Sangamon county, by notice in writing to the mayor of said city, at any time before the expiration of twenty days after the passage of such final order. In case of appeal, the city council shall cause a return to be made to such court within thirty days after notice of such appeal; and the court shall, at the next term after the return may be filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages and benefits, shall be open to investigation by affidavit or oral testimony adduced to the court; and upon applica-

Trial.

tion of the city, or any other party, the amount of damages and benefits may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly.

§ 30. When any known owner of any lot or real estate, or other person having an interest in the same, residing in said city or elsewhere, shall be an infant or lunatic, and any proceedings shall be had under this act, the judge of the county court of Sangamon county may, upon application of the city council of said city, or of such infant, or of the next friend of such infant or lunatic, appoint a guardian or conservator for such infant or lunatic, taking security from such guardian or conservator for the faithful execution of such trust, and all notices and process required by this act shall be served upon such guardian or conservator. Infants, &c.

§ 31. For defraying the remainder of the costs and expenses of such sewer along said town branch, after the payment of the special assessments levied upon the lots and real estate benefitted thereby, in the manner herein required, the city council of said city shall levy a special tax in the manner prescribed in the second and third sections of article eight of the charter of said city, upon all the real estate which may be situated and embraced in such sewerage district as may be established by said city council. But the city council of said city may defray a portion of the costs of the construction of such sewer, not exceeding one-third of such costs, from the general revenues of the city. Special tax.

§ 32. When any other sewer or drain in said city shall be laid out or constructed through or adjoining any real estate belonging to private persons, and the amount of the damages and benefits arising from the construction of such sewer or drain through or adjoining such lots and real estate can not be agreed upon, the city council shall cause the damages to such real estate, arising from the construction of such sewer or drain through or adjoining the same, and the costs of the construction of such sewer or drain, to be assessed against the real estate through or adjoining which such sewer or drain may run, and which may be benefitted thereby, in the manner prescribed in the twenty-third and subsequent sections of this act; and for defraying the remainder of the costs and expenses of such sewer or drain, after the payment of the special assessments levied upon the real estate benefitted thereby, in the manner herein required, the city council of said city shall levy a special tax in the manner prescribed in the second and third sections of article eight of the charter of said city, upon all the real estate situated and embraced in such sewerage district as may be established by said city council. Sewers.

§ 33. The city marshal and other officers authorized by law to execute process issued by police magistrates or other courts in cases arising under the charter or ordinances of the city, may serve and execute the same within the limits Marshal.

of the county of Sangamon, and may receive the same fees for mileage as are allowed to county constables in similar cases.

**Suits.** § 34. In all suits, actions and prosecutions for the recovery of any fine, penalty or forfeiture incurred under the charter or ordinances of the city, process may be issued, returnable instanter, and such process shall state substantially the nature of the offence or offences charged, and the title of the ordinance and the section or sections or clause of the charter or ordinance under which the same is claimed. Such process may be issued upon the information of the mayor, the marshal or any police officer, in his official capacity, and upon information upon oath by any other person.

**Process.** § 35. Police magistrates shall, upon proper information of any violation of any penal clause of the city charter, or of any penal ordinance of the city, issue a warrant directed to the city marshal, or any police constable, or any other officer authorized to execute the same, commanding him to forthwith apprehend the offender and bring him before him or any other competent court; and if, upon the trial, it shall appear satisfactorily to the court or jury, after hearing the evidence and proofs adduced in the case, that the accused has been guilty of the violation and offence complained of, such fine, penalty, forfeiture or imprisonment may be imposed and adjudged against the offender as may be prescribed by the charter or ordinance. No process shall be necessary where the offender is arrested without warrant and brought before the court, but an entry of the cause, time and place of arrest shall be made upon the docket of the court, and trial had in the same manner as if process had been issued.

**City may sue.** § 36. The city may sue and declare for several fines, penalties or forfeitures for violations of the charter or ordinances of the city, and recover judgment for as many offences as may be proven, not exceeding the jurisdiction of the court, and may prove any offence committed before the commencement of the suit.

**Continuances.** § 37. In all suits before police magistrates' courts, arising under the charter or ordinances of the city, continuances may be granted for good cause, shown upon oath, in the discretion of the court; but in such case the defendant, if required, shall give bail for his appearance at the trial, or remain in custody.

**Release.** § 38. Any person in custody for the nonpayment of any fine, penalty or forfeiture adjudged against him, may be released from custody by the city council, upon a vote of two-thirds of all the aldermen elected; but such release shall not discharge such person from the payment of the fine and the costs.

**Costs.** § 39. The city shall not be liable for costs when the defendants are acquitted, or in any other case arising under



the charter or ordinances of the city, and the city council may provide for the payment to police magistrates and police officers of a sum in gross, in lieu of all fees and costs and charges against the city.

§ 40. The city may appeal, in all cases arising under the charter and ordinances of the city, without giving security, and the mayor, in cases of appeals by the city, shall execute bond, under the corporate seal, without sureties, and a resolution or ordinance of the city council, authorizing the same, shall be sufficient authority therefor. Nor shall the city in any case be required to file bond or security for costs. Appeal.

§ 41. Transcripts of judgments, rendered in cases arising under the charter or ordinances of the city, may be taken from the dockets of police magistrates and filed in the [office of the] clerk of the circuit court of Sangamon county, and shall have the same effect as transcripts of judgments from the dockets of justices of the peace, and executions shall be issued thereon and collected in like manner. Transcripts.

§ 42. The city council shall have power to prescribe the forms of process to be used in, and rules of practice for the government of police courts in the city, and to fix and regulate the fees and compensation of jurors, witnesses and others, for services rendered in all cases arising under the charter or ordinances of said city. Forms.

§ 43. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof, in all courts and places, and shall take effect and be in force from and after its passage. Public act.

APPROVED February 18, 1859.

AN ACT to amend an act entitled "An act to charter the city of Sterling," approved February 16th, 1857. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of the said city of Sterling shall have power and authority to borrow money on the credit of said city and to issue bonds of said city therefor: *Provided*, that no sum of money shall be borrowed at a greater rate of interest than ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxation. Borrow money.  
Provido.

§ 2. The common council of said city of Sterling shall, annually, designate a newspaper printed in said city in which shall be printed all ordinances and other matters which, by this act or the act to which this act is amendatory, are required to be published. Corporation newspaper.

Jail.

§ 3. The common council of said city shall have power and they are hereby authorized to provide and maintain a city jail or lock-up for the use of said city, and shall have power to provide, by ordinance, for the punishment of offenders, by imprisonment therein in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recorded against them, as hereinafter provided.

Process.

§ 4. In all proceedings for any violations of any ordinance, by-law or other regulations of said city, the first process shall be by summons unless oath or affirmation be made for a warrant as hereinafter provided.

§ 5. In any action to be brought for the recovery of any penalty, incurred under this act or the act to which this is an amendment, or any ordinance, by-law or police regulation, made in pursuance of such acts, if oath or affirmation shall be made and filed with the justice having jurisdiction of such offences that said defendant is a nonresident of the county of Whiteside, or that whatever judgment may be obtained against such offender will be in danger of being lost, stating the cause of such danger, so as to satisfy the justice that there is reason to apprehend such loss, the justice shall issue a warrant for the arrest of such offender, which warrant may be in the same form and the proceedings thereon conducted in the same manner and with the same effect, as to principal and security, as nearly as the case will admit of, as the warrant and proceedings provided for in section twenty-two and twenty-three of chapter fifty-nine of the Revised Statutes, entitled "Justices of the Peace and Constables."

Execution.

§ 6. In any action commenced by said city for the recovery of any penalty, as aforesaid, execution may issue immediately on rendition of judgment against the defendant, which execution may require the said defendant to be imprisoned in close custody in the city jail or lock-up, one day for each fifty cents of such judgment and costs, in case the said defendant do not pay or turn out property to secure such judgment, and in [such] case the officer having such execution shall forthwith arrest and imprison such offender, according to the mandate of such writ or execution.

Disqualification.

§ 7. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of the said city of Sterling in any action or proceeding in which said city is a party in interest.

Justices.

§ 8. The common council of said city shall have power to designate one or more justices of the said town of Sterling, who shall have concurrent jurisdiction with the police justice of said city in any action or proceeding for the recovery of any fine or penalty accruing under this act or the act to which this is amendatory, or under any ordinance, by-law or police regulation made in pursuance thereof.

Security for costs.

§ 9. The said city of Sterling shall not be required to give security for costs on the institution of any suit com-

menced under the provisions of this act or of the act to which this is an amendment, or under any ordinance, by-law or police regulations made in pursuance thereof.

§ 10. Section one of article four of the act to which this is an amendment shall be and the same is hereby so amended as to authorize the election of one street commissioner in each ward of said city, in each and every year, instead of one street commissioner for said city. Street com-  
missioners.

§ 11. All sections and parts of sections of the act entitled "An act to charter the city of Sterling," approved February 16th, 1857, inconsistent with the provisions of this act, are hereby repealed. Repeal.

§ 12. This act is hereby declared to be a public act and may be read in evidence in all courts of law or equity, without proof, and shall be in force from and after its passage. Public act.

APPROVED February 24, 1859.

AN [ACT] to reduce the act incorporating the City of Warsaw, and the several acts amendatory thereof into one act and to amend the same. In force Feb'y  
14, 1859.

## ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the district of country in the county of Hancock and state of Illinois, contained within the present incorporate limits of the city of Warsaw, to wit: Commencing at a point in the middle of the main channel of the Mississippi river due west of the south line of section seventeen, in township four, four north, range nine west of the fourth principal meridian, and run up the stream with the middle of said main channel to a point due north of the centre line, in section two, in said township; thence south by said line to the south line of section fourteen, in said township; thence west to the place of beginning, with such other additions of land as may be incorporated with and come under the jurisdiction of said city, is hereby erected into a city by the name of the "City of Warsaw." Limits.

§ 2. The inhabitants of said city shall be a corporation, by the name of the "City of Warsaw," and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city. Name



Wards.

§ 3. The city of Warsaw shall be divided into three wards, the boundaries of which shall be fixed by the city council, and shall be by the city council changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

## ARTICLE II—*Officers—Their Election and Appointment.*

Officers.

§ 1. The municipal government of the city shall consist of a city council, to be composed of a mayor and two aldermen from each ward, who shall be elected by the qualified voters of said city. The other officers of the corporation shall be as follows: A city clerk, a city marshal, a city treasurer, a city attorney, a city assessor, a city collector, a city surveyor and engineer and a city supervisor, who, in addition to the duties prescribed in this act, shall perform such other duties as may be prescribed by ordinance.

§ 2. All officers elected or appointed under this act, except aldermen, and except herein otherwise specially provided, shall hold their offices for one year, and until the election or appointment and qualification of their successors respectively. All officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the city council by ballot, on the third Monday of April in each year, or as soon thereafter as may be, but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Aldermen.

§ 3. The several wards of the city shall be represented in the city council by two aldermen from each ward, who shall be *bona fide* residents thereof, and hold their offices for two years, from and after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one alderman from each ward, so that one from each ward shall be annually elected. At the first meeting of the city council after the annual election in April next, the aldermen shall be divided into two classes, by lot, the terms of office of those of the first class shall expire in one year; of those of the second class, in two years: *Provided*, that the present aldermen of the city, whose term of office do expire at that time, shall be placed in the first class, and no election shall be held to supply their places. At the annual election in April, 1859, there shall be elected in the first, second and third wards

by the qualified voters in each of said wards, respectively, one alderman in each ward, and thereafter, annually, one alderman shall be so elected in each of the wards of the city to represent such ward in the city council.

§ 4. If from any cause there shall not be a quorum of Vacancies.  
aldermen remaining in office, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof if necessary. If any alderman shall remove from the ward represented by him, his office shall thereby become vacant. If for any cause the officers herein named shall not be appointed on the third Monday in April in each year, the city council may adjourn, from time to time, until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the city council may forthwith order a new election.

§ 5. Any officer elected or appointed to any office, may Removal.  
be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected; but no officer shall be removed, except for good cause, nor unless first furnished with the charges against him and heard in his defence; and the city council shall have power to compel the attendance of witnesses and the production of papers when necessary, for the purposes of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the city council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the city council. Such officer may be removed at any time by a vote of two-thirds, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges when preferred.

§ 6. Whenever any vacancy shall occur in the office of Vacancies.  
mayor or aldermen, such vacancy shall be filled by a new election; and the city council shall order such special election within ten days after the happening of such vacancy; any vacancy occurring in any other office may be filled by appointment of the city council; but no special election shall be held to fill vacancies if more than nine months of the time expired.

§ 7. All citizens of the United States qualified to vote Voters.  
at any election held under this act, shall be qualified to hold any office created under this act; but no person shall be eligible to any office under this or any other act in relation to said city, who is now or [may] hereafter be a defaulter to said city or to the state of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected or may hereafter refuse or neglect for thirty days after demand made to account for and pay over to the party authorized to receive

the same any public money which may have come into his possession; and if any person holding any such office or place within this city shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Tie. § 8. When two or more candidates for any office shall have an equal number of votes for such, the election shall be determined by the casting of lots in the presence of the city council.

### ARTICLE III.—*Elections.*

Election. § 1. A general election of all the officers of the corporation required to be elected by this act or any ordinance of the city, shall be held in each of the wards of the city on the first Tuesday of April in each year, at such places as the city council may appoint, and of which six days' previous notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city by the city clerk.

Manner. § 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath and shall have the same powers and authority as the judges of the general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk, within three days after the election; and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.

Qualifications. § 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at state elections, and has not been a resident of said city at least one month next preceding said election; he shall have been moreover an actual resident of the ward in which he proposes to vote for five days previous to such election, and if required by any judge or qualified voter shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time

Oath.



of the adoption of the constitution,) and have been a resident of this state one year and a resident of this city one month immediately preceding this election, and am now and have been for the last five days past a resident of this ward, and have not voted at this election:" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

§ 4. No election shall be held in any grog shop or other place where intoxicating liquors are vended by retail.

§ 5. The persons entitled to vote at any elections held under this act shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election held under this act or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the state. Illegal voting.

#### ARTICLE IV.—*Powers and Duties of Officers.*

§ 1. Every person chosen or appointed to an executive, judicial or administrative office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state and file the same, duly certified by the officer before whom it was taken, with the city clerk. Oath.

§ 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm, "that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require;" he shall preside over the meetings of the city council, and shall take care that the laws of this state and ordinances of this city are duly enforced, respected and observed within the city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

§ 3. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in the enforcing the laws of the state or the ordinances of the city; and in case of riot, to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call, shall forfeit to said city a fine of not less than five dollars. Aid.

§ 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers; and he shall have power to execute all acts that may be required of him by this act or any ordinance made in pursuance thereof. Exhibit.

§ 5. He shall be liable to indictment in the circuit court of Hancock county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon recommendation of the jury, to add as part of the judgment that he be removed from office.

Salary.

§ 6. He shall have such salary as may be fixed by ordinance, not exceeding six hundred dollars per annum.

Veto.

§ 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve, he shall return to the city council, with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of all the members elected to the city council shall agree, by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect; he shall, *ex officio*, have power to administer any oath required to be taken by this act or any law of the state, to take depositions, the acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law.

Vacancy.

§ 8. In case of vacancy in the office of mayor or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the city council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the alderman so appointed, shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy shall be filled by a new election.

Clerk.

§ 9. The clerk shall keep the corporate seal, and all books and papers belonging to the city; he shall attend all meetings of the city council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced; he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof, in a book provided for that purpose; he shall also keep an accurate account of the receipts and expenditures, in such manner as the city council shall direct; and he shall have power to administer any oath required to be taken by this act.

§ 10. It shall be the duty of the city attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the mayor or city council, or its committees: *Provided, however,* that the offices of city clerk and city attorney may be vested in the same person. City attorney.

§ 11. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or the presiding officer of the city council, and countersigned by the clerk; such warrant shall specify for what purpose the amount therein named is to be paid; the treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk. Treasurer.

§ 12. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace; the collection of license moneys, fines or otherwise; he shall possess the powers and authority of a constable, at common law, and under the statutes of this state, and receive like fees; but shall not serve civil process without first entering into bond as such constable, to be approved by the supervisor of the town, as in other cases; he shall execute and return all process issued by any proper officer under this act or any ordinance in pursuance thereof. Marshal.

§ 13. The city engineer or surveyor shall have the sole power, under the direction and control of the city council, to survey within the city limits; and he shall be governed by such rules and ordinances and receive such fees and emoluments for his services as the city council shall direct and prescribe; he shall possess the same powers in making plats and surveys within the city as is given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys made by him as are or may be given by law to the acts, plats and surveys of the county surveyor; he shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same; he shall perform all surveying and engineering ordered by the city council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the city council and approved of by them, or they shall not be valid. Surveyor.



Supervisor.

§ 15. The supervisor shall superintend all local improvements in the city and carry into effect all orders of the city council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys and the grading, improving and repairing thereof, and the constructing and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks, to give notice to the owners of property adjoining such sidewalks, when required, and, upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired and apportion the cost thereof among the persons or lots, property chargeable therewith, and deliver the account thereof to the city clerk, to be laid before the city council; to make plans and estimates of any work ordered, in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made and on what account; and he shall render monthly accounts thereof to the city council.

§ 16. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Warsaw, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the city council certified thereon, by the clerk, shall be filed in his office.

Delivery to  
successor.

§ 17. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects, of every description, in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver. And such successor may recover possession of the books, papers and effects, belonging to his office, in the manner prescribed by the laws of the state.

ARTICLE V—*Of the Legislative Power of the City Council—  
Its General Powers and Duties.*

Council.

§ 1. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution, direct. The mayor,

when present, shall preside at all meetings of the city council, and shall have only a casting vote; in his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum.

§ 2. No member of the city council shall, during the period for which he is elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or be, directly or indirectly, interested in any contract, the expense or consideration whereof is to be paid under any ordinance of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily, or become security for any city office.

§ 3. The city council shall hold twelve stated meetings, one in each month during the year, and the mayor or any two aldermen may call special meetings, by notice to each of the members of the council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members. Meetings.

§ 4. The city council shall have the control of the finances and of all the property, real, personal and mixed, belonging to the corporation, and shall, likewise, have power, within the jurisdiction of the city, by ordinance— Finances.

*First.*—To borrow money on the credit of the city and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue, arising from the ordinary taxes on the real estate within the city, for the year immediately preceding. The appropriations of the city council for payment of interest for improvements and for city expenses, during any fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the city council may apply any surplus money in the treasury to the extinguishment of the city debt or to the creation of a sinking fund for that purpose, or to the carrying on the public works of the city, or to the contingent fund for the contingent expenses of the city. Borrow money.

*Second.*—To appropriate money and to provide for the payment of the debts and expenses of the city. Appropriations

*Third.*—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws Diseases.

for that purpose, and to enforce them within the city, and within five miles thereof.

(Health).

*Fourth.*—To make regulations to secure the general health and comfort of the inhabitants, to prevent abate and remove nuisances, and punish the authors thereof, by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Water.

*Fifth.*—To provide the city with water: to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets, within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Streets.

*Sixth.*—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clear or otherwise improve the same; to put drains and sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

Bridges.

*Seventh.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, side-walks and cross-ways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof, by private persons.

Light.

*Eighth.*—To provide for lighting the streets and erecting lamp posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and side-walks.

Markets.

*Ninth.*—To establish and erect markets and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and for the continuation of such as are already erected within the same.

Public ground.

*Tenth.*—To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct the regulating and planning and preserving of ornamental and shade trees, in the streets or public grounds.

Hospitals.

*Eleventh.*—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.



*Twelfth.*—To prevent the incumbering of the streets, alleys, side-walks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, fire wood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the side-walks and street gutters, in front of the premises occupied by them. Encumbering streets.

*Thirteenth.*—To license, tax and regulate merchants, commission merchants, inn-keepers, pawnbrokers, money brokers, insurance brokers and auctioneers, and to impose duties upon the sale of goods at auction; to license, tax, regulate and suppress and prohibit hawkers, peddlers, pawnbrokers grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements. Merchants, &c

*Fourteenth.*—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to regulate and restrain runners for stages, cars and public houses. Hacks, &c.

*Fifteenth.*—To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gaming. Gaming.

*Sixteenth.*—To authorize the proper officer of the city to grant and issue licenses and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license, under this act, and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at retail, by grocery keepers or others, shall be issued for less than fifty dollars. License.

*Seventeenth.*—To regulate, restrain and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress. Liquors.

*Eighteenth.*—To restrain, prevent and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

Butchers.

*Nineteenth.*—To regulate, license and prohibit butchers, and to revoke their license for malconduct in the course of trade.

*Twentieth.*—To establish standard weights and measures, and regulate the weights and measures, to be used within the city, in all cases not otherwise provided by law; to require all traders or dealers in merchandise or property, of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Inspection.

*Twenty-first.*—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

*Twenty-second.*—To provide for the inspecting and weighing of hay, lime and stone-coal, and the place and manner of selling the same; to regulate the measurement of fire-wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

*Twenty-third.*—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and other liquors, to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles, enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof or his agent.

Bread.

*Twenty-fourth.*—To regulate the weight and quality of bread to be sold or used within the city.

Brick.

*Twenty-fifth.*—To regulate the size and quality of bricks to be sold within the city, and the inspection thereof.

Police.

*Twenty-sixth.*—To create, establish and regulate the police of the city, to appoint watchmen and policemen and prescribe their duties and powers.

Riots.

*Twenty-seventh.*—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

Racing.

*Twenty-eighth.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing or remaining in the streets.

Beggars.

*Twenty-ninth.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

*Thirtieth.*—To regulate, restrain or prohibit the running at large of horses or cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof. Animals.

*Thirty-first.*—To prohibit and restrain the rolling of hoops, flying of kites or any other amusements or practices tending to annoy persons passing on the streets or side-walks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, practices and performances tending to the collecting of persons on the streets or side-walks, by auctioneers and others, for the purpose of business, amusement or otherwise. Sports.

*Thirty-second.*—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient. Nuisances.

*Thirty-third.*—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease. Health.

*Thirty-fourth.*—To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery or blacksmith shop, tannery, stable, privy, sewer or other unwholesome or nauseous house or place to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants. Nuisance.

*Thirty-fifth.*—To direct the location and regulate the management of breweries, tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location and regulate the management and construction of and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on. Breweries, &c

*Thirty-sixth.*—To regulate the burial of the dead; to establish and regulate one or more cemeteries; regulate the registration of births and deaths, to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for any default in the premises. Burial.

*Thirty-seventh.*—To provide for the taking an enumeration of the inhabitants of the city. Census

*Thirty-eighth.*—To erect and establish a work-house or house of correction, make all necessary regulations therefor and appoint all necessary keepers and assistants. In Work-house



such work-house or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto, by any proper officer, and all persons, sentenced by any criminal court or magistrate, in and for the city, or for the county of Hancock, for any assault and battery, petit larceny or other misdemeanor, punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or cost imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Hancock county, be kept therein, subject to labor and confinement.

Destitute children.

*Thirty-ninth.*—To authorize and direct the taking up, and provide for the safe keeping and education, for such period of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, idleness and vice.

Drains, &c.

*Fortieth.*—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies, direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as side-walk assessments.

Railroad tracks

*Forty-first.*—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts, where the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

Ordinances.

*Forty-second.*—The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police registrations [regulations] not contrary to the constitution of the United States or of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties

and imprisonment in the county jail, city prison or workhouse, or both, in the discretion of the court or magistrate before whom conviction may be had. But no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offence; and such fine or penalty may be recovered with costs, in an action of debt, in the name of or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof, may be imprisoned in the county jail, city prison or workhouse, or required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

#### ARTICLE VI.—*Of Assessments for Opening Streets and Alleys.*

§ 1. The city council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same. But no street, alley or highway, or part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley or highway. They shall cause all alleys, streets and highways, or public squares or grounds, laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken; and the same, when opened and made, shall be public highways and public squares. Opening of the streets.

§ 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and at the same time to determine what persons will be benefitted by such improvement, and assess the damages and expenses thereof, on the real estate benefitted thereby, in proportion as nearly as may be, to the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to a choice of such commissioners. Compensation.

§ 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their ability.

ties, before entering upon their duties; they shall give at least five days' notice to all persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessments, which notice shall be given personally, if the owners are residents, and known, or by publication in the newspaper publishing the ordinances of the city; if nonresidents or unknown, they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings

§ 4. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before making their assessment shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and, secondly, the value of such building to him to remove.

Notice.

§ 5. At least five days' notice shall be given to the owner of such determination, when known, and a resident of the city, which may be given personally, or in writing, left at his usual place of abode. If a nonresident or unknown, alike notice to all persons shall be given in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings, and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear, by a day to be named therein, or give notice of their election to the city council, either to accept the award of the commissioners and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building, at the value set thereon by the commissioners, to remove; if the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city council may direct.

owner of build-  
ing.

§ 6. If the owner refuses to take the building at its appraised value, to remove, or fails to give notice of his intention, as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use.

Assessment.

§ 7. The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner the value of the real estate appropriated and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage to the land the commissioners shall include the value of the buildings (if the property of the owner of the land) as estimated by them, as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in that case



they shall only include the difference between such value and the whole estimated value of such buildings.

§ 8. If the damage to any person be greater than the Benefits and  
damages. benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only, shall, in any case, be collected of or paid to them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefit resulting to them, respectively, from the improvements.

§ 10. Having ascertained the damages and expenses of Apportionmen such improvements, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate deemed by them benefitted, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessments may be made; when completed, the commissioners shall sign and return the same to the city council within thirty days of their assessment.

§ 11. The clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council unless Notice. objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners; if annulled, all the proceedings shall be void, if confirmed, an order of confirmation shall be entered directing a warrant to issue for the collection thereof; if referred back to the same or other commissioners, they shall proceed to make their assessment and return the same, in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination, as are herein given in relation to the first.

§ 12. The city council shall have power to remove commissioners, and, from time to time, appoint others in place of such as may be removed, or refuse, neglect or are unable from any cause, to serve.

§ 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground or square, shall not be appropriated until the damages therefor awarded to any owner Payment.

thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent cannot be found within the city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements and such streets, alleys or other highways or public grounds may be made and opened.

Contracts.

§ 14. When the whole of [any] lot or parcel of land or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respectively, cease and be absolutely discharged.

§ 15. When part only of any lot, parcel of land or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof, so taken, but shall remain valid as to the residue thereof; and the rents, consideration and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recovered in any respect of the same.

Appeal.

§ 16. Any person interested may appeal from any final order of the city council for opening, altering, widening or straightening any street, alley or other highway or public ground, to the circuit court of Hancock county, by notice, in writing, to the mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal, the city council shall make a return within thirty days after notice thereof, and the court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal and confirm or annul the proceedings; from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation, by affidavit or oral testimony adduced to the court, or upon application of the city or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly; and the burthen of the proof shall, in all cases, be upon the city to show that the proceedings are in conformity with this act.

§ 17. In all cases, where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay

and bear every assessment made for the expense of any public improvement. Where any such assessment shall be made upon or paid by any person, when, by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the persons bound to pay the same the amount so paid, with interest. Nothing herein contained shall, in any way, impair or affect any agreement between landlord and tenant or other person, respecting the payment of such assessments.

§ 18. The city council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefitted by the improvement, and in all such other respects as experience may suggest.

Change in proceedings.

§ 19. When any known owner or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court of Hancock county, the county judge of said county or any judge of the supreme court, may, upon the application of the city council or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

Infants, &c.

## ARTICLE VII. — *Public Improvements and Assessments therefor.*

§ 1. The city council shall have power, from time to time, to cause any street, alley, avenue or other highway to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same. Second—To cause side and crosswalks, main drains and sewers and private drains, to be constructed and laid, relaid, cleansed and repaired, and regulate the same. Third—To grade, improve, protect and ornament any public square or other public ground, now or hereafter laid out. Fourth—The city council shall have power to grade, gutter, macadamize or pave any street, lane, avenue, alley or other highway within the limits of said city, and to charge not more than one-half of the expense thereof to the owners or holders of lots or real estate in front of which any such grading, guttering or macadamizing may be done by said city; and whenever the city council desire to charge the owners or holders of lots or real estate fronting on or adjoining any street, lane, avenue, alley or other highway, with any part of the expense of grading, guttering, paving and macadamizing, such street,

Improving the streets.



lane, avenue, alley or other highway, in front of or adjoining said property, they shall ascertain, from the report of the street supervisor or otherwise, the cost of guttering, grading, paving or macadamizing any such street, lane, avenue, alley or other highway, in front of or adjoining any such lot or real estate, and when the same is ascertained, they may, by order, resolution or otherwise, charge an amount not exceeding one-half of the cost of the same to the lot or real estate and the owner or owners and holders of any such lot or lots [or] real estate, respectively, and may collect the amount so charged of the owner or holder of the same, by suit, in the corporate name of the city, as for money paid and laid out for his use, at his request, in any court of competent jurisdiction; and the city council may, by order, resolution or otherwise, also levy an annual tax on any lot or lots and real estate in front of which any such guttering, paving, grading or macadamizing may be done, respectively, not exceeding five per cent. per annum on the assessed value of such lot or lots or real estate, until the estimated amount of the expense of such grading, guttering, paving and macadamizing so charged to any such lot or lots or real estate, respectively, is all paid and collected, or such proportion thereof as the said city council shall require said lot or real estate owners to pay, not exceeding one-half the cost of guttering, paving, grading and macadamizing of any such street, lane, avenue or alley in front of or adjoining to the same.

§ 2. That for the purpose of establishing a system of sewerage and drainage the city council may have power to cause the city to be laid off into districts, to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same.

§ 3. That whenever a majority in number of the owners of real estate, within any district, shall petition the city council for the construction of such drains or sewers in such district, the city council shall have power to levy and collect a special tax on the real estate within the district so drained, not to exceed ten mills to the dollar per annum on the assessed value thereof, for the purpose of constructing such sewers and drains, which tax shall be annually levied and collected as other city taxes, by law, and shall constitute a lien on the real estate in the district in which it is assessed; and the city council shall have power to provide for the construction and letting of such sewers and drains or such parts thereof as they shall deem necessary, and may, from time to time, extend, enlarge or alter the same upon such terms and conditions as they shall deem necessary; and the city council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts, or the city council may apportion the estimated cost of such drains and

sewers and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment, shall be repealed or altered until the debt created thereby shall have been paid.

§ 4. In all cases where expenses may be incurred in the removal of any nuisance, the city council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the next section. Such expenses may be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

§ 5. The city council shall have power to compel the owners of lots or ground fronting or adjoining any private or public alley, to keep the same clean, and, if necessary, to direct the same to be paved, planked or otherwise and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

§ 6. All owners or occupants of lots or lands in front of or adjoining or upon whose premises the city council shall order and direct side-walks or private drains, communicating with any main drain, to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained or otherwise improved, shall make, grade, repair, or relay such side-walk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charges, within the time and in the manner prescribed by the city council, by order, resolution or otherwise; and if not done within the time and in the manner prescribed, the city council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses thereof by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same as other taxes on real estate are collected in other cases. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expenses, as for money paid and laid out to his use at his request: *Provided, however,* that the city clerk shall give notice of the time within and the manner in which any such duty labor is required to be done or performed, by ordinance, order or resolution of the city council, by publishing an advertisement in some newspaper printed in said city; and a copy of said advertisement, with the certificate of the publisher thereto attached, shall be received as evidence in all courts in this state, of the fact of such notice being given.

Extending as-  
sessments.

§ 7. All taxes and assessments levied or assessed on any real estate, under the provisions of this article, shall be extended and set down by the city clerk in a separate column on the assessment list for the current year, opposite to such real estate, and shall be collected in all respects as other taxes in said assessment list; and in case any of said real estate is sold for taxes, the deeds to the purchases of the same shall be made and acknowledged by the city clerk, as in other cases of sales for taxes, and shall be evidence of the same facts as deeds made to purchasers of property for other taxes under the next article of this act, and shall have the same force, in all respects: *Provided, however,* that if any taxes or assessments authorized to be levied or made by the provisions of this article are not levied or made by the city council by the tenth day of August in each current year, then and in that case the clerk shall extend the same on the assessment list for the next current year.

Proviso.

§ 8. All taxes and assessments levied under and by virtue of the provisions of this article, shall be a lien upon the land or real estate upon which the same are levied, from and after the time the same are levied, until the same are collected and paid.

#### ARTICLE VIII.—*Collection of Taxes and Assessments.*

General taxes.

§ 1. The city council shall have power to levy and collect, annually, taxes not exceeding five mills to the dollar on the assessed value of all real and personal estate and property within the city of Warsaw, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses not herein otherwise provided for, and to pay the same annual interest on internal improvement bonds heretofore issued and which may be hereafter issued under the provisions of this act, which taxes shall constitute the general fund.

Railroad tax.

§ 2. To annually levy and collect taxes on all property, both real and personal, within the limits of said city, subject to taxation, and all personal property of the inhabitants thereof, to pay the principal and interest which has accrued or which may hereafter accrue upon any bonds which may have been issued or which may hereafter be issued by the said city as subscription to the capital stock of any railroad company, which tax shall be deemed a special tax, and payable in gold and silver only; and the city council shall pass no ordinance or resolution incurring or creating a debt, without, at the same time, making provision for the levying a tax sufficient to meet the payment of the interest accruing thereon, when payable.

Provision to  
meet interest.

§ 3. The city council, in levying the tax for the general fund of said city, as provided in section first in this article,



shall annually set apart a sufficient portion thereof to pay the interest which has accrued or may accrue on any interest improvement bonds which have heretofore or may hereafter be issued by said city, and which portion of the general revenue, when so set apart, shall be deemed a special tax, and payable in gold and silver only, and shall be carried out in a separate column in the list of the collector, and by him collected for that purpose, and shall not be subject to, or by said city council appropriated for, any other purpose whatever; nor shall any other special tax authorized to be levied by the provisions of this act, be subject to be used or appropriated by said city council, or any of the officers thereof, for any other purpose than the particular one for which the same was levied and collected; and any contract made with any person or persons or body politic, in respect to any of the moneys arising from any special tax authorized under this act, or any payments made for any indebtedness whatever, except for the purpose for which the same was so raised, shall be absolutely void; and the moneys so paid, used or loaned may be recovered back by suit in any court of competent jurisdiction, from the person or persons or body politic receiving the same, by the holders of the interest coupons, whenever the same shall become due, or by any person or persons who would have been entitled to the same or any part thereof, if appropriated to the objects expressed, in such sum or sums as he or they may at the time be respectively entitled to receive out of said special tax or taxes.

Special tax to pay interest on improvement bonds.

Provision if the special tax is misapplied.

§ 4. The city council shall have the power to levy and collect, annually, not exceeding two and one-half mills on each dollar of the assessed value of all real and personal property within the limits of said city, subject to taxation, and on all personal property of the inhabitants thereof, to pay the principal and interest due or hereafter to become due on all the bonds heretofore issued for the purpose of constructing a school house in said city, known as "School House Bonds," issued by virtue of an act entitled an act to amend an act to incorporate the city of Warsaw, approved February 7th, 1857, which said bonds are hereby declared legal and binding on said city, until the same are all paid or otherwise discharged by the holders thereof; which said tax shall be deemed a special tax and payable in gold and silver only.

Tax on school bonds.

§ 5. The city council of said city shall have power annually to elect an assessor or assessors and fix their compensation, and, in case of death, to elect another or others, and in case of their neglect or inability to perform his or their duties, to remove the same and to elect another or others; and the assessor or assessors elected to fill the place of any assessor or assessors so removed, deceased or resigned, shall

Assessors.

have the same power and perform the duties, as required by the original assessor or assessors.

Collectors.

§ 6. The city council shall have power annually to elect a collector or collectors, and in case of death, to elect another or others, and in case of neglect, resignation or inability to perform his or their duties, to remove the same and elect another or others; and the collector or collectors elected to fill any vacancy shall have the same power and perform the same duties required of the collector whose office was so made vacant.

Exemption.

§ 7. The city council shall have power to exempt any species of property from taxation under this act which is exempt from state tax under the laws of this state.

Personal property.

§ 8. The words personal property, as used in this act, shall be held to mean all moneys, credits, investments in bonds, stocks, joint stock companies, choses in action, and all other property, other than real property, whether animate or inanimate, subject to ownership; and the words personal estate shall have the same meaning, when used in this act, as the words personal property.

Oath.

§ 9. The term oath, whenever used in this act, shall be held to mean oath or affirmation. Every word in this act, importing the masculine gender, may extend and be applied to females as well as males. Every word in this act, importing the singular number, may extend and be applied to the plural as well as singular number. Whenever the words tracts, lots and blocks are mentioned in this act, it shall be held to apply as well to parts of tracts, parts of lots and parts of blocks, as to whole tracts, lots and blocks.

§ 10. The words real property, whenever used in this act, shall be held to mean real estate.

Assessment.

§ 11. The assessor shall, in each year, make an assessment of the taxable property, according to his best judgment of the value thereof, and shall make out a list of the same, showing the names of the owners, when they can be ascertained, a description of the property, whether real or personal, assessed to each, and the amount of his valuation of the same.

Description.

§ 12. The description shall be in numerical order, in case of real estate, so far as practicable, and in case the present owner of any real estate can not be ascertained, the same shall be assessed in such numerical order as unknown. But in case the present owner of any real estate is ascertained by listing or otherwise, and whenever any owner of real estate shall neglect or refuse to list the same, it shall be the duty of the assessor to perform such listing in his or their names; then such real estate shall be assessed to the owner or owners thereof, respectively. The assessor shall subdivide lots by correct descriptions, when the same are owned in parts by different individuals, and when he can ascertain such ownership and description with reasonable

certainty, and shall assess to each his part only. Persons residing in the city shall deliver to the assessor a list of their property, both real and personal, on or before the first day of July in each year. The assessor shall also, in cases where such list is not furnished, or is not satisfactory, call upon each taxpayer, when practicable, and request a list of his or her property, subject to taxation by the city, and assess the same.

§ 13. The assessor shall have power to examine any person, under oath, touching the amount and value of the real and personal property which the person is required to list; and if any person shall swear falsely, he or she shall be deemed guilty of perjury and liable for the same under the criminal law of the state, as in other cases of perjury; and in case of the refusal of any person to swear or affirm, the assessor shall be governed in his assessment by the best information he can obtain, and his own judgment. Examination  
under oath.

§ 14. The assessor or assessors, before entering upon the duties of his office, shall take and subscribe, before some justice of the peace or police magistrate, an oath or affirmation, as near as may be in the following form: "I, \_\_\_\_\_, do solemnly swear (or affirm, as the case may be,) that I will faithfully, diligently and impartially perform all the duties required of me by law as assessor of the city of Warsaw, and especially that I will value and assess for taxation to the several owners thereof, (as far as the same can be ascertained,) all property, real and personal, which is subject to taxation in said [city], according to my best judgment, at its true value, in accordance with the provisions of the constitution of the state of Illinois." Oath.

§ 15. The assessor shall make the assessment hereinbefore provided for, between the first day of May and the first day of August in each year, and shall, on or before the last named day, return a complete assessment list into the office of the city clerk, there to remain for public inspection for the period of fourteen days, during which time all persons feeling aggrieved may file with the city clerk their complaint, in writing, briefly setting forth wherein they deem themselves aggrieved by said assessment, and describing the property of the assessment of which they complain. Return.

§ 16. The assessor shall, upon said return being made, give notice in some public newspaper printed in the city of Warsaw, that the assessment for that year is completed and deposited in the city clerk's office, and will there remain for the period of fourteen days for public inspection, and request all persons, feeling aggrieved, to file their complaint aforesaid, before the expiration of said period, with the city clerk: *Provided, however,* that the city council may extend the time for making the return, and in case the time is extended, such notice shall be given and complaints filed after



said return is made, for the same length of time and in same manner as if said return had been made on the first day of August.

Correction.

§ 17. So soon as practicable after the expiration of the period mentioned for inspection of said assessment and filing complaints against the same, the city council shall meet, and the city clerk shall lay before the council said assessment list, together with all complaints aforesaid touching the same; and the council, together with the assessor, if practicable, [shall] carefully examine all complaints filed, and shall make such alterations and amendments in said assessment list as shall be deemed just and equitable. They shall also cause any additions to be made to said list, of property found to be omitted, or which may not have come to the knowledge of the assessor, and if, in any event, any real estate shall be omitted for any year or years, the same, when ascertained, shall be equitably assessed and the back taxes thereon collected, with the taxes of any current year. The city council shall cause all errors in said list to be corrected, so far as practicable, and the total amount of taxable property to be ascertained as near as can be, and the same to be set down at the end of said list. The said assessment list, when examined and corrected as aforesaid, shall be certified to by the assessor as near as may be in the following form: "I do certify that the foregoing assessment list for the city of Warsaw for the year—— contains a true assessment of all the taxable property within said city for said year. ——, city assessor." And shall file said assessment list with the city clerk, and shall take from said clerk a receipt for the same, showing the total amount of taxable property, which receipt he shall file with the city treasurer.

Levy.

§ 18. The city council shall, as soon as practicable, after the said list is corrected and the amount of taxable property ascertained, proceed to levy such a sum or sums of money as may be sufficient for the several purposes for which taxes are authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, which levy shall be recorded in the records of the city, and shall be and form a part thereof.

Lien.

§ 19. All taxes and assessments, general and special, levied or assessed by the city council under this act, shall be a lien upon the real estate upon which the same may be levied, imposed or assessed for two years from and after such levy, and on personal property from and after the delivery of the assessment list or roll to the collector for the collection thereof until paid, and no sale or transfer shall affect the lien; any personal property belonging to the debtor may be taken and sold for the payment of taxes due from said debtor on real or personal estate; and the real estate shall be liable for the taxes on personal property in case of removal or when the tax cannot be made out of the personal property, in the same

manner as is prescribed by the laws of this state: *Provided*, that in case the collection of any assessment shall be delayed by injunction or other special proceedings, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceedings.

§ 20. The city clerk shall, within thirty days after the levy of the tax by the city council, make out a fair copy of said assessment list, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto, and shall attach to said assessment list a warrant, signed by the mayor or acting mayor and clerk, with the corporate seal thereto attached, authorizing the collector to collect the sums of money so levied in said assessment roll or list, and pay the same over to the city treasurer and take his receipt for the same, and shall deliver the same to the collector and take the collector's receipt for said assessment list, showing the total amount of taxable property and the total amount of taxes therein, which receipt he shall file in his office.

§ 21. The collector, before receiving said assessment list, shall give bond with security, to the satisfaction of the city council, to the city of Warsaw, in a penalty of double the amount of the whole taxes in said list, and conditioned for the faithful discharge of his duties in the collection of the city taxes and for the payment thereof, by him to be collected into the city treasury, which bond shall be filed with the city clerk.

§ 22. The collector shall, upon the receipt of said assessment list, forthwith proceed to the collection of the taxes therein specified, and for that purpose shall call at least once on the person taxed or at his usual place of residence or business, if in the city, and shall demand payment of the taxes charged to him on his property, and the oath of the collector shall be allowed in all cases to prove such demand: *Provided, however*, that the collector may give notice of the time and place when and where he will attend with the tax list and receive taxes, which notice shall be published in some newspaper in said city, and shall be published twice, and such notice shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal.

§ 23. In case any person shall refuse or neglect to pay the tax imposed on him, the collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same: *Provided, however*, that the collector shall have power to collect said taxes, with interest and costs, by suit, in the corporate name of the city, in any court of competent jurisdiction, and no set-off shall be allowed in any such suit.

Seizure.

§ 24. The collector may, after demand and refusal, as aforesaid, and before, in case of probable loss to the city revenue of tax due the city on any property, real or personal, on said tax list, seize any personal property of the owner or any person having listed or consented to the listing in his name, or any property which has been duly listed by the assessor as hereinbefore provided, of such property, of sufficient value to satisfy the taxes and costs due thereon, and may, from time to time, make such further seizure as may be necessary for that purpose; he shall cause any property so seized to be advertised for sale ten days, by posting a notice thereof in front of the city clerk's office in the city, containing a description of the property, and stating the time and place of sale thereof, or by publishing a similar notice once in some newspaper published in said city, which notice shall be published at least ten days before the day of sale, and on the day of sale shall sell the same at public vendue, at the place named in said notice, to the highest bidder, and apply the proceeds to the satisfaction of the taxes and costs, for which the same was seized, after deducting five per centum for making such seizure and sale, and shall pay the overplus, if any, to the owner thereof, on demand; the said tax list shall be a sufficient warrant for the collector to make such seizure and sale; and in all cases arising under this act the said assessment list shall be evidence on the part of the city.

Payment.

§ 25. Any person may pay taxes on such portion of any real estate as he may have claim to: *Provided*, he will furnish the collector with a plain and certain description thereof. Upon the payment of any tax to the collector, he shall make an entry in his tax list of the name of the person paying; and if the payment is made on property by different description, or in different parts or parcels from the description thereof made by the assessor and shown by said tax list, he shall enter a particular description thereof and of the amount paid, and shall deliver to the person paying a receipt, stating the time of payment, by whom payment is made, a correct and a plain description of the property paid on, the total amount paid, and the year or years for which the taxes are paid.

Delinquent list.

§ 26. After having made due effort to collect the taxes due on said tax list, and on or before the first day of January in each year, the collector shall return said tax list into the office of the city clerk, there to be filed and remain, and shall also, at the same time, make out and return to the city clerk a delinquent list, truly taken from said tax list, of the taxes remaining unpaid thereon, and for which he can find no personal property to satisfy the same and costs. The collector shall append to said delinquent list an affidavit, as near as may be, in the following form: "I do solemnly swear (or affirm, as the case may be,) that the foregoing delinquent



list contains a true copy from the tax list of the city of Warsaw for the year 18—, of the taxes remaining unpaid on said list, and for which I can find no personal property to satisfy the same. ————, collector;" which oath or affirmation may be administered by any person qualified to administer oaths under the laws of this state: *Provided, however,* that the city council may extend the time for the collector to return for fifteen days.

§ 27. Upon the return aforesaid of said original and delinquent tax list, the city council shall, so soon as practicable, examine the same, and shall allow and credit the collector with all delinquent taxes in said delinquent list contained, which they shall be satisfied could not have been collected by due diligence, and shall make final settlement with the collector of the revenue aforesaid collected by him. Upon the examination and settlement aforesaid, the city clerk shall receive and file the said delinquent tax list, and shall execute to the collector his receipt therefor, showing the total amount of taxes remaining unpaid on said delinquent list, which receipt the collector shall file with the city treasurer, and the city clerk shall from thenceforth stand charged with the collection of said delinquent taxes. Statement.

~ § 28. The city council may, from time to time, by order, direct the collector to pay into the city treasury all taxes collected by him, or to make settlement therefor with the city council, and in case of default of the collector in any matter material to the security or collection of the city revenue under this act, the city council shall cause the collector's bond aforesaid to be put in suit for such default.

§ 29. The city clerk shall give bond, with security, to the satisfaction of the city council, to the city of Warsaw, in a penalty of double the amount of taxes remaining unpaid on the said delinquent tax list, and conditioned for the faithful discharge of his duties as collector of the delinquent tax list, and for the payment of the moneys collected thereon into the city treasury, which bond shall be filed with the city treasurer, and the city clerk shall thereupon be authorized to receive the taxes unpaid on said delinquent tax list, and shall have the same power to collect the same by distress or otherwise, in all respects that the collector had. Bond.

§ 30. The city clerk shall, as soon as practicable, after receiving said list, publish an advertisement in some newspaper printed in the city of Warsaw, which advertisement shall be published once, and shall be published at least twenty days previous to the term of the county court of Hancock county, at which judgment may be prayed, and said advertisement shall contain a list of the delinquent tracts, lots and blocks within said city, upon which the taxes remain due and unpaid, the names of the owners, if known, and the amount of taxes and costs due thereon, and the year or years for which the same are due, and notice that he will Advertisement

apply to the county court of said Hancock county at the next term thereof for judgment against said tracts, lots and blocks for said taxes and costs, and for an order to sell said tracts, lots and blocks for the satisfaction thereof, and shall also give notice that on the third Monday next succeeding the day fixed by law for the commencement of the term of said court at which judgment may be rendered, all the tracts, lots and blocks for the sale of which an order shall be made, will be exposed to public sale at the office of the city clerk in the city of Warsaw, for the amount of said taxes and cost due thereon; and the advertisement published according to the provisions of this section, duly certified to by the publisher of the paper in which the same shall appear, shall be deemed and taken to be sufficient legal notice, both of intended application of the clerk as aforesaid to the county court for judgment, and also of the sale of said lots, tracts and blocks under the order of said court.

Continuance.

§ 31. And if for any cause the county court of said Hancock county shall not be holden at the term at which judgment is prayed, the cause shall stand continued, or the county judge may, in his discretion, continue the cause until the next regular term thereafter, and at the term to which said cause is continued the court shall hear and determine the matter: *Provided, however*, that in case of the death of the county judge or for any other cause, the county court of said Hancock county is not held at any term to which application shall be made for judgment, or any term to which said cause shall be continued, then and in that case said cause shall stand continued until the first regular term of said court shall be holden.

Delinquent list

§ 32. On the first day of the term of the county court at which judgment on delinquent tracts, lots and blocks is prayed, it shall be the duty of the city clerk to report to the county clerk a list of all the tracts, lots and blocks within the city of Warsaw, on which the taxes remain due and unpaid, to which list the city clerk shall append an affidavit in the following form. "I ———, clerk of the city of Warsaw, county of Hancock, and state of Illinois, do solemnly swear, (or affirm, as the case may be,) that the foregoing is a true and correct record of the delinquent tracts, lots and blocks within the city of Warsaw aforesaid, for the year or years therein set forth, on which the taxes have not been collected, that said taxes now remain due and unpaid, and that due notice of application for judgment and of sale has been given as required by law." Said affidavit to be entered on the record at the bottom of said list and signed by the city clerk. The oath may be administered by any justice of the peace or the clerk of the county court.

Examination.

§ 33. The court shall examine said list, and if defence or objection be offered by any person interested in any of said tracts of land, lots and blocks, to the entry of judgment

against the same, the court shall hear and determine the same in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be, and in case judgment is rendered in favor of the city of Warsaw thereon, shall direct the clerk to make out and enter an order for the sale of said lands, which order shall be substantially in the following form: "Whereas due notice has been given of the intended application for a judgment against said lands, and no owner hath shown good cause why judgment should not be entered against the said lands for the taxes and costs due and unpaid thereon for the year or years herein set forth, it is therefore considered by the court that judgment be and is hereby entered against the aforesaid tracts, lots and blocks, in the name of the city of Warsaw, for the sum annexed to each tract or parcel of land, lots or blocks, being the amount of taxes and costs due severally thereon; and it is ordered by the court that the said several tracts of land, lots and blocks, or so much thereof shall be sufficient of each of them to satisfy the amount of taxes and costs annexed to them severally, be sold at the office of the city clerk within and for the city of Warsaw, in the county of Hancock, and state of Illinois, as the law directs." Said order shall be signed by the judge and shall have the same effect as judgments and orders made by the circuit court. Persons owning any of the tracts, lots or blocks included in said list, feeling themselves aggrieved by any decision of the county court in such cases, shall have the right of appeal, as in other cases, to the circuit court of Hancock county, by giving bond and security in double the amount of the taxes and costs charged on the tracts, lots and blocks owned and claimed by them, which bond shall be payable to the city of Warsaw, and approved by the county judge.

§ 34. And in case any appeal shall be taken from the county court as aforesaid, it shall be the duty of the court in which the case is finally disposed of, if the judgment be in favor of the city of Warsaw, to direct the time and place of sale of said lands, tracts, lots and blocks; and the said lands, tracts, lots and blocks shall be sold on the day and at the place prescribed in said order, and such sale shall be as valid and binding in all respects as if the said appeal had not been taken, and the sale shall be conducted in the same manner in all respects as if no such appeal had been taken. Appeal.

§ 35. And the city of Warsaw may appeal from any decision of the county court, the same as any person; but the city of Warsaw shall in no case be required to give bond in appealing from the decisions of said court made on application for judgment for taxes.

§ 36. The city clerk shall, before the day of sale, make a correct record of the lands and town lots, blocks and tracts, against which judgment is rendered in any suit for taxes Record.



due thereon, and which shall set forth the name of the owner, if known, the description of the property and the amount due on each tract or lot in the same order as said property may be set forth in the judgment book, and shall attach thereto a correct copy of the order of the court and his certificate of the truth of said record, which record so attested, shall hereafter constitute the process on which all real property shall be sold for taxes, as well as the sales of said property; when any tract of land or town lot or block shall be sold, it shall be the duty of the clerk to enter on the record aforesaid the quantity sold and the name of the purchaser opposite such tract or lot in the blank column provided for that purpose, and when any such property shall be redeemed from sale the clerk shall enter the name of the person redeeming, the date and amount of redemption, in the proper columns; said book shall be so ruled that there shall be suitable blank columns for entering the quantity or portion of each tract or lot that may be sold, the name of the purchaser, and such other columns as may be deemed necessary, said book shall be called the sale book.

Payment before sale.

§ 37. Any person may pay the taxes and costs remaining unpaid on any tract, block or lot in said delinquent list, at any time before sale of the same, and the clerk shall, upon said payment, make the same entry in said delinquent list, and deliver to the person paying the same a receipt therefor as is hereinbefore required in case of payment of taxes before judgment.

Manner of sale.

§ 38. In selling said tracts, lots and blocks, in accordance with the order of the county court or any other court, the city clerk shall offer the whole of each tract, lot or block, as described in said list, for sale for the amount of taxes and cost due thereon, and the person at such sale offering to pay the taxes and costs charged on each tract or lot for the least quantity thereof, shall be the purchaser of such quantity; when a portion of a lot, tract or block shall have been struck off on any such bid, it shall be taken off the east side of said lot, tract or block, extending the whole length of said side, provided said lots have a northerly or southerly front, and from the north side extending the whole length as aforesaid, should said lots or blocks have an easterly or westerly front.

Sale.

§ 39. At the time of sale mentioned in the notice aforesaid, the city clerk shall proceed and sell, at the place named in the said notice, the several tracts, lots and blocks in said list described, upon which the taxes and costs or any portion thereof shall remain unpaid, for the satisfaction of such taxes and costs; and if no bid shall be made for any tract, lot or block offered of the amount of taxes and costs thereon, the same shall be struck off to the city of Warsaw, and the said city, which is hereby authorized to become the purchaser at any such sale, shall be regarded as the purchaser thereof,

and a certificate of purchase therefor shall issue to said city in its corporate name, and said city shall, in all other respects, be treated as other purchasers. The city clerk shall receive all moneys at said sale, and shall execute to the several purchasers, certificates of purchase, stating the name of the purchaser, the date of the purchase, the year or years for which the taxes accrued, the amount for which said tract was purchased, and a plain description of the property purchased.

Certificates of purchase.

§ 40. The city clerk shall pay over all moneys by him received for taxes, by sale or otherwise, on said delinquent tax list, to the city treasurer, and report to the city council the property sold to the city, and the amount of tax due thereon, and the city council shall allow him for the amount of tax aforesaid. As soon as practicable, after said sale, the city council shall make a final settlement on said delinquent tax list with the clerk, and make a record of the same.

Final settle-  
ment.

§ 41. If any real property shall be doubly assessed or assessed before it became taxable, and the taxes so erroneously assessed, shall have been paid, the city council on application of the person paying the same, or his agent, and being satisfied of the facts in the case, shall cause said taxes to be refunded, and if any collector or clerk shall receive the taxes properly due on any real property, and said property shall afterwards be sold for the same taxes, he shall refund to the purchaser thereof, if application be made within two years from the date of said sale, double the amount of the purchase. Any collector or clerk neglecting or refusing to pay as required by this section, shall be liable to the holder of the certificate of purchase or his legal representatives, in an action of debt in any court having competent jurisdiction of the amount of said debt.

Errors.

§ 42. The clerk may continue any sale of delinquent property under this act, from day to day, until all the tracts of land, lots and blocks, contained in the delinquent list, on which taxes and costs remain unpaid, shall be sold or offered for sale.

Sale to be con-  
tinued.

§ 43. In all advertisements for the sale of lands for taxes, and in entries required to be made by the clerk or other officer, letters and figures may be used to denote townships, ranges, sections, parts of sections, lots, blocks, parts of lots and parts of blocks and surveys, and the amount of taxes and costs, and the clerk in computing and extending the tax on any lot, tract, block or personal property shall, in no case, regard the fractions of a cent in said computation.

Advertisement

§ 44. If any collector or city clerk shall die, be removed from office, resign, or whose term of office shall expire, before the completion of any and all duties required of them, respectively, by the provisions of this act, his or their successor or successors in office, shall, and they are hereby authorized and required to proceed and complete the same in

Vacancy in the  
office of col-  
lector.

every respect as fully as if such death, removal, resignation or expiration of office had never taken place.

Evidence.

§ 45. The books and records belonging to the office of the city clerk of the city of Warsaw, or copies thereof, certified by said clerk, shall be deemed sufficient evidence to prove the sale of any land for taxes, the redemption of the same or payment of taxes thereon.

§ 46. No sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner.

Jurisdiction.

§ 47. The county court of Hancock county, in the state of Illinois, shall have original jurisdiction of suits for taxes due on real property, on application for judgment against said real property, whether such court be sitting for the transaction of county or probate business.

Redemption.

§ 48. Real property sold under any of the provisions of this act, may be redeemed at any time before the expiration of two years from the date of sale, on complying with the following conditions: First—Paying in specie to the city clerk of said city of Warsaw double the amount for which the same was sold, and all taxes accruing under the provisions of this act, after such sale, with ten per cent. interest thereon from the day of sale, unless such subsequent tax has been paid by the person for whose benefit the redemption is made, which fact may be shown by the collector's receipt. Second—Paying in specie all the taxes legally levied or assessed on the same under the laws of this state, other than those levied under this act after such sale, with ten per cent. interest thereon. But in no case shall the person or persons be required to pay any tax other [than] the taxes levied under the provisions of this act, unless the amount of the same and the year or years for which the same were levied, is entered on the sale book.

Infants. &c.

§ 49. If the real estate of any infant, *feme covert* or lunatic be sold, under this act, the same may be redeemed at any time within one year after such disability be removed, upon complying with the conditions specified in the last preceding section, which redemption may be made by themselves, their heirs, their guardians or legal representatives. But in no case shall any infant, *feme covert* or lunatic or their heirs, guardians or legal representatives, be allowed to redeem any greater interest or quantity of said land than they owned at the day of sale, and shall pay in proportion to the whole amount due on said land according to the interest which they redeem.

Purchaser.

§ 50. The purchaser of any real property for taxes under this act, his heirs or assigns may present to the city clerk the proper officer's receipt showing the payment of any tax or taxes legally assessed on said real property, subsequent to said purchase, except for the taxes assessed on the said property under the provisions of this act, the year or years



for which said tax was paid, and the amount thereof; and it shall be the duty of the city clerk, on the presentation of such receipt, to enter and set down, in the sale book, opposite said real estate, the amount and the year or years for which said tax was paid, and any person wishing to redeem said property shall pay the tax so entered in the sale book, with the interest thereon.

§ 51. On the payment of the redemption money, as required by this act, the city clerk shall execute to the person redeeming, a certificate stating the date of the sale, the year or years for the taxes of which the sale was made, and the amount of tax or taxes that may be entered on the sale book as having been paid subsequent to said sale, with the interest thereon, and the amount of taxes levied under this act paid subsequent to said sale, and the interest thereon, the name of the person to whom sold, the amount for which the same was sold, a plain description of the property sold and redeemed, the name of the person redeeming and the amount paid thereon, and shall make an entry opposite the property redeemed in the sale book, of the date of the redemption, the name of the person redeeming and the amount paid thereon. The person receiving such certificate shall pay to the clerk the sum of twenty-five cents.

Certificate of  
redemption.

§ 52. It shall be the duty of the city clerk to make a special deposit with the city treasurer of all moneys received for redemption, except his fees, particularly specifying on what property and from what sale the same was received, and take the treasurer's receipt for the same and file it in his office; and the city treasurer shall pay the amount so deposited to the purchaser, his heirs or assigns, on demand and presentation of the certificate of purchase, and the person receiving such redemption money shall receipt the same in a book kept by the treasurer for that purpose: *Provided, however,* that the presentation of the deed to said property from the clerk shall be deemed the same as the presentation of the certificate, and if any redemption money deposited with the treasurer and not called for at the expiration of his office, said treasurer shall deliver to his successor in office and take his receipt for the same.

Special depo-  
site.

Proviso.

§ 53. Any infant, *feme covert* or lunatic, his, her or their heirs, guardians or legal representatives, wishing to redeem any real property sold under this act, after the expiration of two years from the day of sale, shall make oath or affirmation in writing, before the clerk, of their right to redeem said property, setting out their interest in said property and the facts as to their disability, at the time the said property was sold, and of their right to redeem, which oath or affirmation shall be considered *prima facie* evidence of such right, and the clerk shall file said oath or affirmation in his office, and for the taking and filing such oath or affirmation, shall be allowed the sum of twenty-five cents, to be paid by the

Infants, &c.

person or persons wishing to redeem. Any person swearing falsely, in such oath or affidavit, shall be deemed guilty of perjury, and punished accordingly.

Deed.

§ 54. After the expiration of two years from the day of sale of any real property sold under the provisions of this act for taxes, the purchaser thereof, his heirs or assigns, shall be entitled to a deed therefor, provided, the same shall not have been previously redeemed, and provided such purchaser, his heirs or assigns, shall have complied with the provisions of the next section of this act, and the city clerk shall, in such case, upon the surrender of the certificate of purchase thereof, execute to such purchaser, his heirs or assigns, a deed for such property.

Notice.

§ 55. The purchaser of any real property under this act for taxes, his heirs or assigns, shall, at least three months before the expiration of two years from the time of sale, cause to be served on every person in possession of any such real estate, a written notice of such purchase, in which notice he shall state when he purchased said tract, lot or block, a description of such tract, lot or block, and when the time of redemption will expire. In like manner, he shall serve on the person or persons in whose name or names such tract, lot or block is taxed, a similar written notice, if such person or persons shall reside in the county of Hancock; and in the event that the person or persons in whose name or names such tract, lot or block is taxed, do not reside in the county of Hancock, he shall publish such notice in some newspaper printed in said county, which notice shall be inserted three times, the last time being not less than three months before the expiration of two years from the time of sale of such property. The purchaser, his heirs or assigns, shall, before a deed is executed to him, by himself or agent, make an affidavit of his having complied with this section, stating particularly, the facts relied on as such compliance, which affidavit shall be delivered to the city clerk and by him filed in his office, and entered on the records of his office and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such real estate from such tax sale shall be permitted to redeem, he shall pay to the city clerk the printer's fees for publishing such notice, and costs of being sworn to such affidavit and of filing the same, as aforesaid: *Provided*, that the fee for such publication, where the notice does not include more than four tracts or lots, shall be one dollar, and the printer shall be allowed twenty cents for each additional tract contained in said notice. Any person swearing falsely, in the affidavit required by this section, shall be deemed guilty of perjury and punished accordingly.

§ 56. In case the city of Warsaw is the purchaser of any real property for taxes or assessments under this act, then, and in that case, if the certificate of purchase has not been assigned, the city marshal of said city is hereby authorized and empowered to give the notice and make the affidavit required in the last preceding section in the name and in the behalf of said city. Purchase by  
city.

§ 57. In case any purchaser, his heirs or assigns, shall have lost, or for any cause is unable to produce his certificate of purchase, the city clerk shall execute a duplicate certificate thereof, upon such person filing with him an affidavit of such loss or inability to produce the same and that the same is his rightful property. Duplicate.

§ 58. The certificates of purchase for taxes under this act, shall be assignable by indorsement on the back, and when so assigned, the assignee or assignees, shall be vested with the same rights, and shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser. Assignmen

§ 59. And in case the city of Warsaw shall be the holder of any such certificate of purchase, then the same may be assigned by the mayor by his indorsing his name on the back of such certificate.

§ 60. All the notices and advertisements required to be published or which are authorized to be published under this article in any newspaper, the certificate of the printer or publisher, with a written or printed copy of such notice or advertisement annexed, stating the number of times which the same shall have been published, and the date of the first and last papers containing the same, shall be sufficient evidence of the publication therein set forth. Certificate of  
printer.

§ 61. All deeds made to purchasers or their heirs or assigns, of tracts, lots or blocks of ground, sold for any tax or assessment, by order of the city council of said city of Warsaw, shall in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, be *prima facie* evidence of the following facts: Deeds.

*First.*—That the taxes or assessments were not paid at any time before the sale.

*Second.*—That the land conveyed had not been redeemed from the sale at the date of the deed.

*Third.*—That the purchaser has given the notice or notices at the time, and in the manner and upon the person or persons, and filed with the clerk of said city the affidavit required by section 55 of this article, [and] has in every respect complied with section fourth of article ninth of the constitution of this state, required of premises [purchasers] at tax sales, before being entitled to receive a deed therefor, and conclusive evidence of the following facts:



*First.*—That the land, tract, lot or block was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

*Second.*—That the land or lot was advertised for sale for the length of time and in the manner required by law.

*Third.*—That the land was sold for taxes or assessments as stated in the deed.

*Fourth.*—That the grantor in the deed was the purchaser.

*Fifth.*—That the collector had made his return in the time and manner required by law.

*Sixth.*—That the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land or lots claimed and held under and by virtue of such deed, the person or persons claiming title adversely to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the taxes or assessments had been paid, or that the same had been redeemed, according to the provisions of this act, and that such redemption was made for the use and benefit of the person having the right of redemption under this act, but no person shall be permitted to question the title acquired by said deed without first showing that he or the person from whom he derives his interest, had title to the land or lot at the time of sale, or that the title was obtained from the United States or of this state, after the sale, and that all taxes due upon the lands or lots have been paid by such person or the person under whom he claims title as aforesaid.

§ 62. The deed made by the city clerk, under this act, shall be signed by the city clerk, and, on being properly acknowledged before some officer having the right to take acknowledgments of deeds in this state, the same may be read in evidence in any court in this state, without proof.

§ 63. There shall be allowed, for collecting the city revenue, from taxes and assessments, the following fees:

To the collector and clerk, on all moneys collected by them, three per centum.

To the clerk, for copying the assessment roll and extending the tax thereon, three cents on each tract, and on personal property, three cents on each person's personal property, which items shall be paid by the city of Warsaw.

And the following fees, which shall be a charge on the real property on which the same accrued as costs, and the person paying the tax on or purchasing said real property, at the sale, shall pay the same:

*First.*—To the city collector, for making out and returning delinquent tax list, three cents on each tract, lot or block.

*Second.*—To the printer, for publishing the delinquent tax list notice, on each tract, lot and block, five cents.

*Third.*—To the city clerk, for making copy of delinquent list for printer, two cents on each tract, lot or block.

*Fourth.*—To the clerk, for making out list of delinquent lands for judgment, three cents on each tract, lot or block.

*Fifth.*—To the clerk, for making sale, on each tract, lot or block, and entering the same in sale book, eight cents.

And the following fees, which shall be paid by the person wishing the services:

To the city clerk, for issuing duplicate certificate of purchase in case of loss, twenty-five cents; for making each deed on tax sale, and acknowledging the same, one dollar.

And all other expenses arising out of the city revenue, from taxes or assessments, shall be laid before the city council, by the person interested, to be acted on by them, and allowed or disallowed, as shall to them appear equitable.

§ 64. The city clerk is hereby authorized and empowered to make deeds to the purchaser, his heirs or assigns, of any lots or real estate sold on the 22d day of March, A. D. 1858, for taxes due the city of Warsaw for the current year of A. D. 1857, under the laws of this state and the ordinances of the said city of Warsaw, unless said lots or real estate shall be redeemed, according to the ordinances of said city. And when the said deed or deeds is properly acknowledged, before some officer empowered to take acknowledgments of deeds in this state, the same may be read in evidence, in all courts and places, without further proof.

§ 65. The deeds made by the city clerk, under and by virtue of the power conferred on said clerk, by section 64 of this act, shall be evidence of the same facts and things in all courts and places, as deeds made for property sold for taxes under the provisions of this act, and the same validity shall be given to them, in all respects, as may be given to deeds made for sale of lands for taxes, under this act.

§ 66. The assessments and levy for taxes, by the city of Warsaw, for the current year, A. D. 1858, hereby legalized and made valid and binding in all respects, and in case any real estate is sold for taxes due the city of Warsaw for the current year, A. D. 1858, the sale shall be made by the city clerk, and shall be made and conducted, in all respects, in conformity to the provisions of this act, and the same rights of redemption from such sale shall exist as from sales made under the provisions of this act, and none other, and the purchaser shall give the notice required by this act, and the clerk, in case said property is not redeemed according to the provisions of this act, shall execute deeds to the purchasers or their heirs or assigns, as authorized by this act, and such deeds shall be evidence of the same facts and in the same manner as deeds made for lands sold for taxes, under the provisions of this act, and this act shall extend to and apply, in all respects, to the collection of taxes due the city of Warsaw for the current year, A. D. 1858, from and after its passage, the same as if said taxes had been levied and assessed under the provisions of this act.

§ 67. It shall be the duty of the secretary of state, immediately after the passage of this act, to furnish the said city of Warsaw a copy of the same, duly certified to.

### ARTICLE IX—*Board of Health.*

Board of health

§ 1. The board of health shall consist of three or more commissioners, to be appointed, annually, by the city council; and the mayor, or presiding officer of the city council, shall be president of the board, and the city clerk shall be their clerk and keep minutes of its proceedings.

Duties.

§ 2. It shall be the duty of health officers to visit every sick person who may be reported to them, as hereinafter provided, and to report, with all convenient speed, their opinion of the sickness of such person to the clerk of the board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions or damaged or putrid animal or vegetable matter or other unwholesome article, and to make report of the state of the same, with all convenient speed, to the clerk of the board.

§ 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which, in the opinion of the board, shall be infected by or tainted with pestilential matter, and ought to be removed so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the board, at the expense of the person to be removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

Penalty.

§ 4. The city council shall have power to prescribe the powers and duties of the board of health, and to punish, by fine or imprisonment or both, any refusal or neglect to obey the orders and regulations of the board.

§ 5. The health officers may be authorized by the city council, when the public interests require, to exercise, for the time being, such of the powers and perform such of the duties of the marshal or supervisor as the city council may, in their discretion, direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty, under this act, or any ordinance.

Duty of physicians.

§ 6. Every person practicing physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the clerk of the board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and



recovered, with costs, in an action of debt in any court having cognizance thereof, or before a justice of the peace, for the use of the city.

### ARTICLE X.—*Fire Department.*

§ 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings, within the limits prescribed, shall be made or constructed of fire proof materials, and to prohibit the rebuilding or repairing of wooden buildings, within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings, within the fire limits, which they may deem dangerous to contiguous buildings or in causing or promoting fires, to be nuisances and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

Fire limits.

§ 2. The city council shall have power—

Powers of council.

*First.*—To regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Chimneys.

*Second.*—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove pipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

*Third.*—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Ashes.

*Fourth.*—To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners or occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fire buckets.

*Fifth.*—To regulate and prevent the carrying on of manufactories and works, dangerous in promoting or causing fires.

*Sixth.*—To regulate, prevent and prohibit the use of fire-works and fire-arms.

Fire-works.

Combustibles.

*Seventh.*—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Walls and fences.

*Eighth.*—To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.

Ladders.

*Ninth.*—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs or ladders leading to the same.

*Tenth.*—To authorize the mayor, fire wardens or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

*Eleventh.*—And, generally, to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Fire engines.

§ 3. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same; and shall have power—

Firemen.

*First.*—To organize fire, hook, hose, ax and ladder companies.

*Second.*—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

*Third.*—To prescribe the duties of firemen and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct to remove them.

Engineers.

*Fourth.*—The city council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Exemptions.

§ 4. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia or working on the streets or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this sec-

tion shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed.

# ARTICLE XI—*Schools and School Fund.*

§ 1. All of the territory lying within the corporate limits of the said city of Warsaw, with such other territory as may be hereafter incorporated with and come under the jurisdiction of said city, is hereby erected into a common school district to be known as the "Warsaw School District."

School district.

Whereas, by an act, approved February 7th, A. D. 1857, the limits of said city of Warsaw was extended, embracing, in said extension, many of the persons under the age of twenty-one years, inhabitants of the town of Wilcox, who had at that time and still have a large fund for the support of common schools, arising from the sale of school lands, invested in notes and mortgages. And, whereas, by said law extending said limits no provision was made for any division of said school fund of said Wilcox; therefore, said city of Warsaw is hereby declared to be entitled to so much of said funds as said children, so annexed to said city and were taken from said town of Wilcox, bear to the whole number of persons under twenty-one years of age in said town of Wilcox at the time of the passage of said act, viz: said 7th February, 1857.

Preamble.

§ 2. The treasurer of the said town of Wilcox and the treasurer of said city, respectively, and their successors in office, are hereby appointed a committee, and it is made their duty to ascertain the census of all the persons in said town of Wilcox, under the age of twenty-one years, on the 7th of February, 1857; and also the number of such persons so annexed to said city of Warsaw and taken from said town of Wilcox, and apportion the distributive share of said funds on hand at the date aforesaid. It is hereby made the duty of the treasurer of the said town of Wilcox, having charge of said school funds, and he is hereby authorized to pay over to the treasurer of the city of Warsaw, for the use of schools in said city, so much of said town of Wilcox's school funds as the proportion such persons, under the age of twenty-one, so annexed to Warsaw, bear to the whole number of said persons, under twenty-one years of age, in said Wilcox, at the time of such annexation; and said fund, when so received by said city of Warsaw, shall be added to the principal school fund thereof.

Committee.

§ 3. It shall further be the duty of said treasurer of said town of Wilcox, who has charge of said school funds, to pay over to the treasurer of the city of Warsaw, for the use of schools in said city, so much money, received from the state of Illinois, through the county school commissioner, for said Hancock county, including state, school, col-

Duty of treasurer.



lege and seminary funds, as said treasurer of Wilcox received for the year 1858, on account of the schollars thus set off and annexed to Warsaw, on demand.

Board of ed-  
ucation.

§ 4. The care and superintendence of the common schools within the city of Warsaw, together with the funds and estate, both real and personal, belonging to and which may be conveyed to the Warsaw school district, shall devolve upon the "Board of Education," (to be hereafter provided,) for said Warsaw school district; and the city council of the city Warsaw shall have power to make all laws and ordinances necessary and proper for the management of said common schools, upon recommendation of the same by the board of education.

§ 5. The present board of education of said city shall hold their offices, as shall be determined by lot, to be made a matter of record on the minutes of the proceedings of the city council—one of them vacating his office at the termination of the present fiscal year, and two annually thereafter; and the city council shall appoint two members of said board on their meeting for the appointment of other city officers next to be holden, and two annually thereafter, and shall also fill all vacancies as they, from time to time, shall occur; and the member so elected to fill a vacancy shall hold his office as long as the person whose place he fills could have held. Said board of education shall consist of six members, and they shall hold their offices for the terms for which they shall severally be appointed, and until others shall be elected and qualified in their stead.

Body politic.

§ 6. Said board of education, in said city, shall be deemed and are hereby created a body politic and corporate, by the name of the "Board of Education of the Warsaw School District," and, by that name, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatever, and to have perpetual succession. They may exercise all the powers that school trustees of townships and boards of directors in the school districts, generally, throughout the state, now do, by law, or may do by any law hereafter passed, except the right to levy taxes for any purpose whatever. Said board of education may make, from time to time, all such rules and regulations for their own government and for the government and management of the public schools, in said city, and for the management of, custody and care of all the schools, school funds and school property belonging, at any time, to said Warsaw school district; and shall, from time to time, recommend to the city council the passage of any laws in relation to the management, government or control of the schools or school property belonging to said district; and the city council are hereby empowered to pass any such laws, so recommended, and they shall be binding and in force from such passage.

§ 7. All the estate, both real and personal, belonging to said city of Warsaw, for the use of schools, and all the funds, notes, mortgages and moneys belonging to said city, for the use of schools, or which may hereafter come into possession or control of said city, is hereby declared to be fully vested in said board of education and in their successors in office forever. And said board of education are empowered to receive conveyances of any real estate or personal property. Said board of education shall hold stated and regular meetings once in each month, the time to be designated by resolution of said board.

§ 8. The clerk of the city of Warsaw shall be the clerk of said board of education. The treasurer of the city of Warsaw shall be treasurer of the school funds. Said board shall, annually, after the appointment or election of the new member, elect one of their number for president of the board. Clerk.

§ 9. Said president of the board of education is hereby specially empowered to sell and convey, by deed of quit claim, at private sale, to Isham Cochran or other persons, the school house and lot on Webster street, in said city of Warsaw, whenever ordered by said board so to do.

§ 10. A majority of the said board of education shall constitute a quorum for the transaction of all business. It shall be the duty of the board of education to cause an abstract of the whole number of white children under the age of twenty-one years in the Warsaw school district, to be furnished to the school commissioners of Hancock county, on or before the second Monday of October, annually. And the school commissioner of said Hancock county shall annually pay to the treasurer of said board of education the proportion of school, college and seminary fund to which the said Warsaw school district may be entitled; and said Warsaw school district shall be entitled to their portion of said fund, according to the school law of the state. Quorum.

§ 11. The members of the board of education shall be allowed two dollars each for every regular meeting of said board that they shall attend. The clerk of said board shall be allowed two dollars for each regular meeting of said board, and one dollar for each called or special meeting of said board.

§ 12. The city of Warsaw is hereby authorized [and] empowered to levy a special tax, not exceeding one-eighth of one per cent. per annum in each year, on all taxable property in said city: *Provided*, the same shall be recommended by the board of education of said city, the proceeds of which said tax shall be wholly applied to the support of common schools in said city, in the same manner as the interest arising from the permanent school fund, and to no other purpose. Said tax is to be collected in the same manner Special tax.

and under the same regulations that other city taxes are collected.

Actions

§ 12. All actions and rights of action which have accrued to the city of Warsaw, for the use or benefit of the Warsaw school district, shall be vested in the board of education of the Warsaw school district.

Teachers

§ 14. Said board of education shall have the care and management of the public schools, and may elect all such instructors as they may deem proper, and remove the same whenever they consider it expedient.

§ 15. The board of education shall examine such persons as propose to teach in the public schools in said district, in relation to his or her qualifications to teach such things or branches as he may deem necessary; and if it shall be satisfied that such person sustains a good moral character, is apt to teach, possesses good governmental qualities and is properly qualified to teach such branches as will be required of him or her, it shall forthwith give such person a certificate of qualification, and the said board of education may revoke said certificate for gross immorality, incompetency or other adequate cause.

Teachers

§ 16. The duties of teachers shall be prescribed by the board of education and made a matter of record by the clerk of said board on the book containing the proceedings of said board.

### *Treasurer—His Duties.*

Treasurer

§ 17. The treasurer appointed by the city council shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of education for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of treasurer of the board of education of the Warsaw school district, according to law. The security shall be approved by at least a majority of the board, and shall be delivered by one of the board to the clerk of the board of education. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal and belonging to the Warsaw school district for which he is appointed treasurer, the penalty of such treasurer's bonds shall be twice the amount of said bonds, notes, mortgages, moneys and effects. And every treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz:



STATE OF ILLINOIS, ) ss.  
Hancock county. )

Know all men by these presents that we, A. B. C. D. and E. F., are held and Bond  
firmly bound, jointly and severally, unto the board of education of the Warsaw  
school district, in the penal sum of — dollars, for the payment of which we  
bind ourselves, our heirs, executors and administrators firmly by these presents.  
In witness whereof we have hereunto set our hands and seals this — day of  
—, A. D. 18—.

The condition of the above obligation is such that if the above bounden A. B.,  
treasurer of the board of education of the Warsaw school district, as aforesaid,  
shall faithfully discharge all the duties of said office according to the laws which  
now are or may hereafter be in force, and shall deliver to his successor in office all  
moneys, books, papers, securities and property in his hands as such treasurer,  
then this obligation to be void, otherwise to remain in full force and virtue.

A. B. [SEAL.]  
C. D. [SEAL.]  
E. F. [SEAL.]

Approved and accepted by G. H. }  
J. J. }  
K. L. } Board.  
M. N. }  
O. P. }

§ 18. Said board of education shall have power to pre-  
scribe the mode of keeping the treasurer's books.

§ 19. The treasurer of said board shall loan, upon the Loans  
following conditions, all moneys which may come to his  
hands by virtue of his office, except such as may be subject  
to distribution: The rate of interest shall be ten per cent.  
per annum, payable triennially in advance. The time for  
which loans shall be made shall not be less than six months  
nor more than five years. For all sums not exceeding one  
hundred dollars, loaned for not more than one year,  
security shall be given by mortgage or deed of trust on real  
estate, unincumbered, in value double the amount loaned,  
with a condition that, in case additional security shall at  
any time be required, the same shall be given to the board  
of education for the time being. Notes, bonds, mortgages  
and other securities taken for money or other property due  
to or become due to the board of education for the Warsaw  
school district, shall be payable to the said board by their  
corporate name, and in such name suits, actions and com-  
plaints and every description of legal proceedings may be  
had for the recovery of money, the breach of contracts and  
for every legal liability which may at any time arise or ex-  
ist or upon which a right of action shall accrue to the use  
of this corporation: *Provided, however,* that the principal Provide  
of said school fund may be invested in any bonds issued by  
the city of Warsaw, when the interest on said bonds will  
amount to a larger sum than on the amount of said princi-  
pal so invested, the above rate herein provided, whenever  
the said board of education shall deem it to be for the  
benefit of said schools so to invest. And all such bonds of  
said city, so purchased, shall be deemed to be owing to said  
board of education, who may enforce the payment of the  
principal and interest upon the same as they shall severally

become due, in their corporate name, although said bonds may, by their terms, be payable to bearer or to any other persons; and said city shall be compelled to pay all interest and the principal upon said bonds to said board of education, under all the penalties and liabilities that might or could accrue to any other holder of said bonds: *And provided, also*, that notes, bonds, mortgages and other securities which are payable to the city of Warsaw, for the use of the Warsaw school district, shall be valid to all intents and purposes; and suit may be brought on the same in the name of the board of education as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage or deed of trust given to secure the payment of the money loaned by virtue of the provisions of this act.

Mortgages.

§ 20. Mortgages or deeds of trust to secure the payment of money loaned under the provisions of this act, may be in the form prescribed by the 58th section of "An act to establish and maintain a system of free schools," approved February 16, 1857; which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgagor paying the expenses of acknowledgment and recording, and fifty cents as a fee to the treasurer of the board of education.

Breach of condition.

§ 21. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants, and the same may be foreclosed in equity; but mortgages made in any other form, to secure payment as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

Additional security.

§ 22. In all cases where the board of education shall require additional security for the payment of money loaned, and such security shall not be given, the treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment: *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due said board of education shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the treasurer to attend at the office of the probate justice, upon the proper day, as other creditors, and have any debts due as aforesaid probated and classed, to be paid as aforesaid.

Default.

§ 23. If default be made upon the payment of interest due upon money loaned by the treasurer, or in the payment of the principal, interest at the rate of fifteen per cent. per annum shall be charged upon the principal and interest

from the day of default, which shall be included in the assessment of damages or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only, with said fifteen per cent. interest upon the same from the time that it is due. And the said treasurer is hereby empowered to bring appropriate actions in the corporate name of said board of education, for the recovery of the triennial interest, when due and unpaid, without suing for the principal, in whatever form secured; and justices of the peace shall have jurisdiction in such cases of all sums of one hundred dollars and under.

§ 24. All suits brought or actions instituted under the provisions of this act may be brought in the name of the board of education of the Warsaw school district, except as is provided for action *qui tam* in this act. The treasurer of the board of education shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to the school fund. He shall keep the school fund loaned at interest, and if, on the first Monday of October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required as aforesaid may, if the board of education see proper, forever be considered as principal in the funds to which it belongs, and loaned as such or expended for library apparatus. Suits

§ 25. On the first Mondays of April and October of every year, the treasurer shall lay before the board of education a statement showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting, on all the property of said Warsaw school district. He shall also lay before the said board all books, notes, bonds, mortgages and all other evidence of indebtedness belonging to the school fund, for the examination of the board, and shall make such other statement as the said board may require, touching the duties of his office. Statement

§ 26. For any failure or refusal to perform all the duties required of the treasurer by law, he shall be liable to the board of education, upon his bond, to be recovered by an action of debt by said board, in their corporate name, for the use of the school fund, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board aforesaid, or those of them voting for said requisition or order as aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inha- Failure to perform duties.



bitants of the Warsaw school district, to be recovered by action of assumpsit in the official name of said board.

Resignation or  
removal.

§ 27. When a treasurer shall resign or be removed, and at the expiration of his term of office he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages and all other securities for money, and all papers and documents of every description in which this corporation may have any interest whatever; and in case of the death of the treasurer, his securities and legal representatives shall be bound to comply with the requirements of this section; he shall be liable to a penalty of not less nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in no wise discharge or diminish the obligation of his official bond.

Principal of  
school fund.

§ 28. No part of the principal of said school fund shall ever be distributed or expended for any purpose whatever, except the interest, rents and profits thereof, but shall be loaned out and held to use, rent or profit, as herein, heretofore, or may hereafter be provided by law.

Payment of  
fund.

§ 29. School funds, collected from taxes levied by the city council or from the sale of property belonging to the Warsaw school district, shall be paid out on the order of the board; and all moneys and school funds liable to distribution, not being principal, paid into the treasury or coming into the hands of the treasurer, shall be paid out only on the order of the board, signed by the clerk and countersigned by the president; and for all payments made, receipts shall be taken and filed; and in all such orders shall be stated the purposes for which or on what account drawn, and all such orders, together with the receipt of the person to whom paid, shall be filed in the office of the clerk.

Salaries.

§ 30. All salaries at any time due to any officers of said city of Warsaw shall be paid by the city council in ordinary general vouchers at par, and all such officers shall receive the same in full payment of all such salaries and services due from said city, unless it be for cash paid out by them.

Estimate.

§ 31. Said board shall hold a meeting as soon as practicable after the return of the books of the city assessor, annually, and shall determine, by estimate, as nearly as they can, the entire amount of money necessary to be expended in said district to keep in good condition and operation a sufficient number of free schools for the accommodation of all the children in said district, during the ensuing year, over and above the available means arising from the school fund or other sources, and also such additional amount as the board may think necessary for the exclusive purpose of supplying any deficiency in the fund for the payment of teachers and for the purpose of extending the terms of

schools after the state or common school funds shall have been exhausted, and shall certify the same to the clerk of the city council, to be by him levied [laid] before said city council as soon thereafter as practicable; and the city council shall cause said tax to be levied on all the taxable property of the citizens of said district and city for that year, and cause the same to be collected in cash, as other special taxes are collected, and at the same time: *Provided*, the same shall not exceed the sum of one-eighth of one per cent. on the valuation.

Levy.

Proviso.

§ 32. Any person or persons owning land, or residing around or adjacent to said city, within two miles thereof, may, with his or their consent, be annexed to said Warsaw school district, and school taxes may be levied and collected upon the land and property of such persons subject to taxation by the city collector, in the same manner as school taxes within the said district, and said Warsaw school district shall be entitled to all the benefits arising from such annexation, as is provided by the general school law of this state, as in the division of school districts, and upon such annexation said Warsaw school district shall be entitled to receive, and may recover of the township from which any such territory may be taken, a distributive share of the school fund of said township, in proportion to the number of children under the age of twenty-one years, so annexed, bears to the number remaining in said township, and also to receive the same distributive share of the state school fund that said township would have received on account of said children: *Provided*, said children had remained therein: *Provided*, that all be done in accordance with, and nothing in conflict with, the school law of the state.

Additions to district.

## ARTICLE XII—*Miscellaneous Provisions.*

§ 1. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Annual state ment.

§ 2. The inhabitants of the city of Warsaw are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

Street labor.

Exemption

§ 3. The supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place and in such manner as the city council may direct, or the supervisor shall deem necessary; he shall deliver or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid a written or printed notice or partly written or printed notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys; but a similar notice, published for ten days in the newspaper publishing the ordinances of the city by the supervisor, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit, with costs, as in other cases.

Notice.

Paupers.

§ 4. The county of Hancock shall be exempt from the support of any citizen of said city who may become a pauper; but the city council shall provide for the support and care of all paupers belonging to the said city and pass such ordinances and regulations as they shall deem proper for the purposes thereof; in lieu of the support of paupers as aforesaid. The real and personal property of the inhabitants of said city shall be exempt from all tax for county purposes.

Fines.

§ 5. All fines, forfeitures and penalties collected for offences committed within said city shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city for any conviction in the circuit court shall be paid over in like manner.

Numbering lots and blocks.

§ 6. The city council shall have power to cause the blocks and lots of the city to be surveyed, platted and numbered in consecutive numbers, from one upwards, and to designate and number all fractional or other lots or blocks, in such manner as they may prescribe by ordinance; and such plat, designation or number, when made and duly recorded, shall be a good and valid description of said blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.



§ 7. The city council shall, in all expenditures for purposes strictly local, expend, annually, in the several natural divisions of the city, such proportion, as near as may be, of the whole expenditures for like purposes during the same period as will correspond to the several sums contributed by each division to the general fund. Street taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside. Local expenditures.

§ 8. The supervisor, in addition to the penalties prescribed by ordinance shall, for willful neglect of duty, be liable to indictment and fine in the same manner as supervisors under the laws of the state. Neglect.

§ 9. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission; nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise. The remission of fines.

§ 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be notified, and unless at such special meeting there be present as large a number of aldermen as were present when the vote was taken. Reconsideration of votes.

§ 11. The cemetery lots which may be laid out and sold by the city or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemetery lots.

§ 12. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published in the newspaper publishing the ordinances of the city, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places. Publication.

§ 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Actions.

§ 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons unless oath or affirmation be made for a warrant as in other cases.

§ 15. The city council shall have power to designate one or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act or any ordinance, by-law or police to the contrary notwithstanding. Such justice shall have power to impose fines and penalties not exceeding the amount authorized by the constitution of the state. There shall be such local court of civil and criminal jurisdiction as are or may be established by the general assembly in the cities of the state in accordance with the constitution of the state. Such court shall have jurisdiction over all cases arising under this act or any ordinance of said city in pursuance thereof, and such other civil and criminal jurisdiction as may be provided by law.

Executions.

§ 16. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Hancock, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or work house or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

Injuries to the public works.

§ 17. Any person who shall injure or destroy any bridge or any public building, or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction.

Disqualification

§ 18. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Warsaw, in any action or proceeding in which said city may be a party in interest.

Rights.

§ 19. All ordinances, regulations and resolutions now in force in the city of Warsaw, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect.

§ 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several

acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

§ 21. All property, real, personal or mixed, belonging to the city of Warsaw, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall, respectively, continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage. Property.

§ 22. All ordinances of the city, when printed and published, purporting to be by authority of the city council, shall be received in all courts and places without further proof. Proof.

§ 23. The style of all ordinances shall be "Be it ordained by the City Council of the City of Warsaw." Style.

§ 24. Any tract of land adjoining said city, which may be laid off into blocks or lots and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof. Additions.

§ 25. This act shall not invalidate any legal act done by the city council of the city of Warsaw or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

§ 26. All officers of the city created conservators of the peace by this act or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such person in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace as the city council may prescribe. Conservators of the peace.

§ 27. Nothing in this act contained shall be so construed as to deprive the city council of said city of any powers or authority conferred upon the same by the act incorporating said city and the various acts amendatory thereto; but the city council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned; and the city officers shall be elected and appointed in the same manner under the provisions of this act as they were under the original act of incorporation of said city, except the city marshal, who shall be elected at the same time of the mayor, annually, by the qualified voters of said city. Powers.



§ 28. The city clerk is hereby authorized and empowered to administer any and all oaths authorized to be taken or administered by or under the provisions of this act.

§ 29. This act shall be deemed a public act and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

APPROVED February 14, 1859.

AN ACT to incorporate the city of Waukegan.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of the district of country in the county of Lake contained within the following boundaries, to wit: commencing on the shore of lake Michigan at low water mark at a point where the north line of section fifteen (15) township forty-five (45) north, range twelve (12) east, intersects the water of said lake; thence west by the north line of section fifteen (15), sixteen (16) and seventeen (17) to the centre of said section seventeen (17) in said township and range; thence southward on the half section lines of sections seventeen (17), twenty (20) and twenty-nine (29) to the south line of section twenty-nine (29) in said township; thence eastward by the south line of said sections twenty-nine (29), twenty-eight (28) and twenty seven (27), in said township, to Lake Michigan, at low water mark; thence northward by the shore of said lake at low water mark to the place of beginning, is hereby created into a city, by the corporate name of "The City of Waukegan;" and the inhabitants of said district, by that name, shall have perpetual succession, sue and be sued, complain and defend in all courts and tribunals; have a common seal and alter and change the same at pleasure; take, hold and purchase such real estate as they may desire, and use, lease, sell, dispose of and convey the same for the benefit of the city, and may do all other acts which natural persons can do to carry out and accomplish the purposes intended by this act.

§ 2. The municipal government of the city shall consist of the city council, to be composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: a city clerk, a city treasurer and assessor, a city collector and marshal, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the

limits.

Officers.

city council, and to perform such duties as may be prescribed by ordinance.

§ 3. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until the election or appointment and qualification of their successors. All other officers mentioned in this act and not otherwise specially provided for, shall be appointed by the city council, but the city council may specially authorize the appointment of watchmen and policemen by the mayor, to continue in office during the pleasure of the city council: *Provided*, the mayor or marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only, and until the election or appointment and qualification of their successors:

§ 4. The several wards of the city shall be represented Aldermen. in the city council by two aldermen from each ward, who shall be *bona fide* residents thereof, and hold their offices for two years from and after their election, and until the election and qualification of their successors. At the first meeting of the city council, after the annual election in April next, the aldermen shall be divided in two classes by lot. The terms of office of those of the first class shall expire in one year; of those of the second class in two years, so that one alderman from each ward shall belong to each class, and that one alderman shall be elected in each ward each year thereafter.

§ 5. Said city shall be divided into four wards, as follows: Wards. all that portion lying south of the north lines of said sections twenty-seven (27), twenty-eight (28) and twenty-nine (29), shall constitute the first ward; all that portion north of the first ward and south of the half section line running east and west through sections twenty (20), twenty-one (21) and twenty-two (22) shall constitute the second ward; all that portion lying north of the second ward and south of the north lines of said sections twenty (20), twenty-one (21) and twenty-two (22) shall constitute the third ward, and all that portion lying north of the third ward shall constitute the fourth ward.

§ 6. An election shall be held annually in said city on Election. the first Monday of March of each year in each ward, when a mayor, collector and marshal, assessor and treasurer, and one alderman in each ward shall be elected. Every person qualified to vote for governor and who has resided one month in said city and ten days in the ward in which he proposes to vote, shall be an elector at any such election, and any person possessing the qualifications of any such elector, shall be eligible to any office in said city: *Provided*, that aldermen shall be residents of the wards in which they are elected thirty days prior to their election.

§ 7. Any vacancy occurring in any appointed office, from Vacancy. any cause, shall be filled by the city council; and in case of

a tie at any election, the council shall select from amongst the two candidates having the highest number of votes, the person who shall fill such office. Vacancies in elected offices shall be filled by special elections to be held for that purpose.

Manner.

§ 8. The manner of conducting and voting at the elections held under this act and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same as nearly as may be as is now or may hereafter be provided by law at general state elections: *Provided*, the city council shall have power to regulate elections and the appointment of the judges thereof. The voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same powers and authority as the judges of general elections. After the closing of the polls, the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the city clerk within three days after the election; and thereupon the city council shall meet and canvass the same and declare the result of the election. The persons having the highest number of votes for any office, shall be declared elected. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.

Oath.

§ 9. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state and file the same, duly certified by the officer before whom it was taken, with the city clerk.

Mayor.

§ 10. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm "that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the city council, and shall take care that the laws of this state and the ordinances of this city are duly enforced, respected and observed within this city, and that all other officers of the city discharge their respective duties, and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the city council such information and recommend such means as he may deem advantageous to the city.

Aid.

§ 11. He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in the enforcing the laws of the state or the ordinances of the city, and in case of riot, to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.



§ 12. He shall have power, whenever he may deem it Exhibit. necessary, to require of any of the officers of the city an exhibit of all his books and papers. And he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.

§ 13. He shall be liable to indictment in the circuit court Indictment. of Lake county, for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and upon conviction shall be subject to a fine, not exceeding one hundred dollars. And, the court shall have power, upon the recommendation of the jury, to add, as part of the judgment, that he be removed from office.

§ 14. All ordinances and resolutions shall, before they Veto. take effect, be placed in the office of the city clerk, and if the mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the city council, with his objections thereto. Upon the return of any ordinance or resolution, by the mayor, the vote by which the same was passed shall be reconsidered; and, if after such reconsideration, a majority of all the members elected to the city council shall agree, by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect. And if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall have been placed in the clerk's office, as aforesaid, the same shall go into effect.

§ 15. The mayor shall, *ex-officio*, have power to administer any oath authorized to be taken by law, to take and certify depositions, the acknowledgment of deeds, mortgages and other instruments of writing, under the seal of the city, and shall also, during his continuance in office, be, *ex-officio*, a notary public of Lake county. Official powers.

§ 16. The members of the city council shall be, *ex-officio*, fire wardens and conservators of the peace within the city, and shall be exempt from jury duty and street labor, or the payment of street taxes, during their continuance in office.

§ 17. The clerk shall keep the corporate seal and all papers and books belonging to the city. Clerk. He shall attend all meetings of the city council and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the city council, certified by him, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall, likewise, draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct, and he shall have power to administer any oath required to be taken by this act.

Treasurer.

§ 18. The city treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the city council shall direct. All moneys shall be drawn by the treasury, in pursuance of an order of the city council, by a treasury warrant, signed by the mayor or presiding officer of the city council, and countersigned by the city clerk. Such warrant shall specify for what purpose and the fund out of which the amount therein named is to be paid. The treasurer shall exhibit to the city council, at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Collector and  
marshal.

§ 19. The collector and marshal shall perform such duties as shall be required by the council for the preservation of peace and good order; the collection of fines, license money and other dues. He shall have the power and authority of a constable at common law and under the statutes of this state, but shall not serve civil process without giving bond, as is required by law of other constables. He shall execute and return all process under this act or any ordinance of said city. He may designate one or more constables of Lake county to be his assistants, who shall have like authority with himself to execute such process. He shall also be collector of taxes assessed by said city government, and as such shall have the same powers as town collectors in Lake county.

Treasurer and  
assessor.

§ 20. The treasurer and assessor shall perform the duties of assessor of said city in such manner as shall be required by ordinance or resolution of the council, and according to the laws governing town assessors in Lake county, and shall possess the same powers and be subject to the same liabilities.

Further duties.

§ 21. The council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the city Waukegan, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for, pay over and deliver all moneys and other property received by them, which bond, with the approval of the city council, certified thereon by the clerk, shall be filed in his office.

§ 22. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects, of every description, in his possession, belonging to said city, or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver, and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of the state. Delivery of books, &c., to successor.

§ 23. All officers, elected or appointed under this act, shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer of the city council and clerk. Commissioner.

§ 24. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such time and place as they shall, by resolution, direct. The mayor, when present, shall preside at all meetings of the city council, and shall have only a casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the persons elected aldermen shall constitute a quorum. Council.

§ 25. No member of the city council shall, during the period for which he is elected, receive any compensation for his services, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the city council, or to be, directly or indirectly, interested in any contract, the expense or consideration whereof is to be paid out of the city treasury, under any ordinance or resolution of the city council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily. Corporation.

§ 26. The city council shall hold twelve stated meetings, (one in each month,) during the year, and the mayor or any two aldermen may call special meetings, by notice to each of the members of the council, served, personally, or left at their usual places of abode. Petitions and remonstrances may be presented to the city council, and they shall determine the rule of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members. Meetings.

§ 27. The city council shall have the control of the finances, and of all the property, real, personal and mixed, belonging to the corporation, and shall, likewise, have power, within the jurisdiction of the city— Finances.

*First.*—To appropriate money and to provide for the payment of the debts and expenses of the city, as herein provided. Appropriations



- Diseases. *Second.*—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within one mile thereof.
- Health. *Third.*—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; and to prevent indecencies within the corporation, and on Lake Michigan, within one mile of the shore.
- Water. *Fourth.*—To provide the city with water, to make, regulate and establish public wells, pumps and cisterns, by hydrants and reservoirs in the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.
- Streets. *Fifth.*—To have the exclusive control and power over the streets and highways and alleys of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same; to put drains and sewers therein, and prevent the encumbering, in any manner, and protect the same from any encroachment or injury.
- Bridges, &c. *Sixth.*—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, side-walks and cross-ways, and regulate the construction and use of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same or wall them up and cover them over; and to prevent, regulate and control the filling, altering or changing the channels thereof, by private persons.
- Light. *Seventh.*—To provide for lighting the streets and erecting lamp-posts and lamps therein, and regulate the lighting thereof, and, from time to time, create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and side-walks.
- Markets. *Eighth.*—To establish and erect markets and market houses and other public buildings of the city, and provide for [the] government and regulation thereof, and their erection and location; and to authorize their erection and the continuation of such as are already erected within the same.
- Public grounds *Ninth.*—To provide for the closing, regulating, protecting and improving all public grounds and cemeteries belonging to the city, and the court house square within said city, by and with the consent of the board of supervisors of Lake county, and to direct and regulate the planting and preserv-

ing of ornamental and shade trees in the streets and public grounds and cemetery.

*Tenth.*—To erect and establish one or more hospitals or Hospitals. dispensaries, and control and regulate the same.

*Eleventh.*—To prevent the incumbering of the streets, Incumbering streets. alleys, side-walks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings or any other substance whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the side-walks and street-gutters in front of the premises occupied by them.

*Twelfth.*—To license, tax and regulate auctioneers, and to Auctioneers, &c. impose duties upon the sales of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, theatrical or other exhibitions, circuses, menageries and amusements.

*Thirteenth.*—To license, tax, regulate and suppress hack- Hacks. men, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses.

*Fourteenth.*—To license, tax, regulate, prohibit and sup- Gaming press billiard tables, pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting; and to authorize the destruction of all instruments and devices used for the purpose of gaming.

*Fifteenth.*—To authorize the proper officer of the city to License. grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars or more than five hundred dollars shall be charged for any license under this act, and the fees for issuing the same shall not exceed one dollar.

*Sixteenth.*—To restrain, regulate and prohibit the selling Liquor. or giving away of any intoxicating or malt liquors by any persons within the city, except by any person or persons duly licensed; to forbid and punish the selling or giving away any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent or guardian.

*Seventeenth.*—To prevent, restrain and punish forestalling Forestalling. and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish and inspecting the same.

*Eighteenth.*—To establish standard weights and measures, Weights and measures. and regulate the weights and measures to be used within

the city in all cases not otherwise provided by law ; to require all traders or dealers in merchandise or property of any description, which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city sealer and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

Inspection.

*Nineteenth.*—To regulate and provide for the inspection and measuring of lumber, timber, shingles, posts, staves, heading and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

*Twentieth.*—To provide for the inspection and weighing of hay, lime and stonecoal, and the place and manner of selling the same; to regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

*Twenty-first.*—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or packages ; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees : *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the state, except at the request of the owner thereof, or his agent.

Bread.

*Twenty-second.*—To regulate the weight and price of bread to be sold or used within the city.

Brick.

*Twenty-third.*—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Police.

*Twenty-fourth.*—To create, establish and regulate the police of the city ; to appoint watchmen and policemen, and prescribe their duties and powers.

Riots.

*Twenty-fifth.*—To prevent, suppress and punish any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place within the city.

Racing.

*Twenty-sixth.*—To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person ; to prohibit and punish the abuse of animals ; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

Beggars.

*Twenty-seventh.*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Animals.

*Twenty-eighth.*—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for



a violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large, contrary to ordinance, and to impose penalties on the owners or keepers thereof.

*Twenty-ninth.*—To prohibit and restrain the rolling of Sports. hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or side-walks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods and all other noises, performances and practices tending to the collecting of persons on the streets or side-walks, by auctioneers and others, for the purpose of business, amusement or otherwise.

*Thirtieth.*—To abate all nuisances which may injure or Nuisances. affect the public health or comfort in any manner they may deem expedient.

*Thirty-first.*—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

*Thirty-second.*—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler or blacksmith shop, tannery, stable, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, convenience and comfort of the inhabitants.

*Thirty-third.*—To direct the location and regulate the Breweries, &c. management and construction of breweries, tanneries, blacksmith shops, founderies, livery stables and packing houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city and to the distance of one mile from the limits thereof, distilleries, slaughtering houses, establishments for straining or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

*Thirty-fourth.*—To provide for the taking an enumeration Census. of the inhabitants of the city.

*Thirty-fifth.*—To erect and establish a workhouse or Workhouse. house of correction, make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such workhouse or house of correction may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city, or for the county of Lake, for any assault and battery, petit larceny or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city for any misdemeanor or breach of any

ordinance of the city, may, instead of being committed to the county jail of Lake county, be kept therein, subject to labor and confinement.

Destitute children.

*Thirty-sixth.*—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice.

Drains, &c.

*Thirty-seventh.*—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks, privies; direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as side-walk assessments.

Railroad tracks.

*Thirty-eighth.*—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, ditches, sewers and culverts, when the city council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing general storage or warehouse business or collecting pay for storage.

Ordinances.

*Thirty-ninth.*—The city council shall have the power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution of the United States and of this state, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof, by fines, penalties or imprisonment in the county jail, city prison or workhouse, or both, or either, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months for any offence, and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person upon whom any fine or penalty is imposed shall stand committed

until the payment of the same and costs; and in default thereof, may be imprisoned in the county jail, city prison or workhouse, or required to labor on the streets or other public works of the city for such time and in such manner as may be provided by ordinance.

§ 28. To levy and collect annually a tax, not exceeding <sup>Tax.</sup> eighty cents on the one hundred dollars, on the assessed value of all real and personal property within the city; and also by resolution to require any male resident of the city, over twenty-one and under fifty years of age, annually to labor not exceeding three days upon the streets and highways; but any such person may commute for such labor by paying the sum of seventy-five cents for each day assessed, within ten days after being notified to labor. In default of laboring or paying as aforesaid, the sum of one dollar and twenty-five cents per day, and costs, may be collected, by action of debt, in the name of the city, for each day not worked or commuted as above, and no set-off shall be allowed in any be such action.

§ 29. All territory now or hereafter within said city <sup>School district.</sup> shall be one school district, to be denominated "The Waukegan City School District," which shall be a school organization separate from the township, and shall receive directly its lawful share of all funds hereafter distributed by the school commissioner of Lake county, as townships may, to be by him paid to the city treasurer.

§ 30. The township funds arising from the sales of <sup>Funds.</sup> school lands in said township forty-five north, range twelve east, and the avails thereof, and all other funds belonging to said township, for school purposes, shall be divided between the city of Waukegan and the districts of said township not included in the city school district limits, as follows: The trustees of schools of said township and the city council shall, as soon after the organization of the city government as may be, each appoint one commissioner, who, after being sworn honestly to discharge their duties, shall ascertain the whole number of white persons under the age of twenty-one years in said Waukegan city school district and in said township, not within said city school district, on the first day of April next, and they shall thereupon divide and apportion said funds between said city school district and said township not included in said city district, according to the number of white persons under the age aforesaid residing in each, and shall make report of such division and apportionment to the school commissioners of Lake county, the city council, and to the treasurer of said township. If any of said funds shall be outstanding, on loan or otherwise, said commissioners shall apportion and divide the bonds, mortgages, judgments, decrees, notes and evidences of debt belonging thereto, on the basis aforesaid; and it shall be the duty of the township treasurer of said township to imme-



diately pay all moneys, and assign, by endorsement thereon, all such bonds, mortgages, judgments, decrees, notes and evidences of debt as may be so apportioned to said city district to "The city of Waukegan," and deliver the same to the city treasurer and take his receipt therefor; to enable said commissioners to make said apportionment and division, it shall be the duty of the township treasurer, on request, to deliver to them a detailed statement of said township funds and the condition thereof, to whom loaned, amount of such loan, and when due, and the nature of the security thereof, and amount of cash on hand.

Property.

§ 31. All real estate, appurtenances, fixtures, moneys, personal property, taxes levied, assessments and effects belonging to school districts number 2 and 3, township number forty-five north, range twelve east of the third principal meridian, or held in trust for either of them or their benefit, shall, upon the organization of said city government, be and the same are by this act vested in "The City of Waukegan;" and all suits or proceedings in law or in equity in relation thereto, or to collect or secure or recover any moneys, bonds, notes, mortgages, claims, demands or things by this act vested in said city, or required to be paid or assigned to it, may be begun and prosecuted by said city in its corporate name.

§ 32. It shall be lawful for said city to grant, bargain, sell, convey, lease or dispose of any property, real or personal, which is by the 30th and 31st sections of this act vested in or required to be assigned or transferred to said city; but all lands, leases, buildings, fixtures and personal property aforesaid, or the proceeds thereof, when sold, shall be devoted and applied to the purposes of education, and shall never be diverted to any other purpose.

Reports.

§ 33. The city clerk shall make to the school commissioner all reports and statements which are or may be required by law of officers of townships in relation to schools, and at such times as may be required by law.

Superintendent.

§ 34. The care and superintendence of the common schools within the city of Waukegan, together with the funds and estate, both real and personal, belonging to, and which may be conveyed to said Waukegan school district, shall devolve upon the city council of the city of Waukegan; but they shall have power to appoint in each year a general superintendent of public schools for said city of Waukegan, whose term of office shall be for one year, and until his successor shall be duly elected and qualified; and his duties and the amount of his salary shall be defined by the city council of the city of Waukegan: *Provided, however,* that said salary shall at no time exceed one hundred dollars per annum or be paid out of said school fund belonging to said Waukegan school district; and said city council shall have power to make all laws and ordinances necessary for the

management of said common schools, not inconsistent with the constitution of this state.

§ 35. For the purpose of supporting a system of free Tax. schools, the city council shall have power to levy such tax on the real estate and personal property in said city school district as they may deem necessary for that purpose, not exceeding forty cents on each one hundred dollars valuation; and for the purpose of erecting the necessary houses for school purposes, they may in like manner levy a special tax, such as they may deem necessary for that purpose, first submitting the question to a vote of the people and receiving their assent thereto.

§ 36. Nothing shall be done to impair the principal of the township fund, or to appropriate the interest accruing from the same to any other purpose than the payment of teachers in the public schools of the district, and should there be any surplus of interest it shall be carried to and form a part of the school fund.

§ 37. The city council shall have power—

*First.*—To erect, hire or purchase buildings suitable for school houses, and keep the same in repair.

Powers of the council.

*Second.*—To buy or lease sites for school houses, with the necessary grounds.

*Third.*—To furnish schools with the necessary fixtures, furniture and apparatus.

*Fourth.*—To maintain, support and establish schools and supply the inadequacy of the school fund for the payment of teachers from school taxes and out of the general fund.

*Fifth.*—To fix the amount of compensation to be allowed to teachers.

*Sixth.*—To prescribe the school books to be used in the studies to be taught in the different schools.

*Seventh.*—And generally to have and possess all the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to the said school district, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

§ 38. The school fund shall be kept loaned at interest Loans. by the treasurer, and it shall be lawful to loan the same at fifteen per cent. per annum, payable semi-annually, in advance. No loan shall be made for a longer period than five years, and all loans shall be secured by unincumbered real estate of three times the value, at the least, of the sum loaned, exclusive of the value of the perishable improvements thereon: *Provided*, the city council shall have power to reduce the rate of interest by a vote of two-thirds of all the aldermen elected, and fix treasurer's fees for making loans, to be paid by borrower.

§ 39. All notes and securities shall be taken to the city Notes. of Waukegan, for the use of the inhabitants of said city, for

school purposes; and in that name all suits, actions and every description of legal proceedings may be had.

Expenses.

§ 40. All expenses of preparing or recording securities shall be paid exclusively by the borrower.

Chimneys.

§ 41. The city council shall have power—

*First.*—To regulate the construction of chimneys and flues so as to admit of chimney sweeps, or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

*Second.*—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Ashes.

*Third.*—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

*Fourth.*—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Firearms.

*Fifth.*—To regulate, prevent and prohibit the use of fire-works and fire-arms.

Combustibles.

*Sixth.*—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous materials within the city, to regulate the keeping and conveying the same.

Walls and fences.

*Seventh.*—To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.

*Eighth.*—To authorize the mayor, fire-wardens or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

*Ninth.*—And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Engines.

§ 42. The city council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power—

*First.*—To organize fire, hook, hose, ax and ladder companies.

Firemen.

*Second.*—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take the care and management of the engines and other



apparatus and implements used and provided for the extinguishment of fires.

*Third.*—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.

*Fourth.*—The city council shall have power to provide for the election of a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council. Engineers.

§ 43. The members of the city council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets or paying any tax for the same. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed. Exemption.

§ 44. The city council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city. Annual state-  
ment.

§ 45. The inhabitants of the city of Waukegan are hereby exempted from working on any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits. Exemption.

§ 46. The proper officers shall demand the services of all persons who are required to labor on the streets and alleys of the city at such time and place and in such manner as the city council may direct or shall deem necessary, and shall deliver or cause to be given or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the city council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated for the purpose of laboring upon the streets and alleys; but a similar notice published in the newspaper Street labor.

publishing the ordinances of the city, for ten days, by the street commissioner, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect from each person in the same manner as other taxes the sum of three dollars and seventy-five cents, with his commission for collecting the same added thereto, or the same may be recovered by suit, with costs, as in other cases.

Fines. § 47. All fines, forfeitures and penalties collected for offences committed within said city shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city for any conviction in the circuit court, shall be paid over in a like manner.

Remission of fines. § 48. Neither the city council or mayor shall remit any fine or penalty imposed upon any person for a violation of any laws or ordinances of said city or release from confinement, unless two-thirds of all the aldermen elected shall vote for such release or remission, nor shall anything in this act be so construed as to oust any court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise.

Reconsideration of votes. § 49. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the aldermen be so notified, and unless at such special meeting there be present as large a number of aldermen as was present when the vote was taken.

Cemetery lots. § 50. The cemetery lots which are now or may be hereafter laid out and sold by the city or private persons for private places of burial shall, with the appurtenances, forever be exempt from execution and attachment.

Publication. § 51. Every ordinance, regulation and by-law, imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published once in the newspaper publishing the ordinances of the city, and proof of such publication by affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places.

Actions. § 52. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally, in debt, for such penalty, fine or forfeiture, stating the

clause of this act or the by-law or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

§ 53. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant as in other cases. Process.

§ 54. The city council shall have power to designate one or more justices of the peace in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act or any ordinance, by-law or police regulation, anything in the laws of this state to the contrary notwithstanding. Such justice shall have power to impose fines and penalties, not exceeding the amount authorized by the constitution of the state. There shall be such local court of civil and criminal jurisdiction as may be established by the general assembly in the cities of the state in accordance with the constitution of the state. Such courts shall have jurisdiction over all cases arising under this act or any ordinance of said city in pursuance thereof, and such other civil and criminal jurisdiction as may be provided by law. Justices of the peace.

§ 55. Execution may be issued immediately on rendition of any such judgment. If the defendant has no goods or chattels or real estate within the county of Lake, whereof the judgment can be collected, the executive shall require the defendant to be confined in the county jail or workhouse or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment; and all persons who may be committed under this section shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in prosecution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury. Execution.

§ 56. Any person who shall injure or destroy any bridge or any public building, or other property belonging to the city, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned, not exceeding six months, in the discretion of the court before whom such conviction may be had; and such person shall also be liable in a civil action, at the suit of the city, for the damages occasioned by such injury or destruction. Injury to public works.

§ 57. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Waukegan, in any action or proceeding in which said city may be a party in interest. Disqualification.

§ 58. All ordinances, regulations and resolutions now in force in the town of Waukegan, and not inconsistent with this act, until altered, modified or repealed by the city council.



oil after this act shall take effect, shall remain in force under this act.

Rights.

§ 59. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued under existing laws, shall be vested in and prosecuted by the corporation hereby created.

Property.

§ 60. All property, real, personal or mixed, belonging to the incorporated town of Waukegan, is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall respectively continue in the same until superseded, in conformity to the provisions hereof, but shall be governed by this act.

§ 61. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts and places without further proof.

Style.

§ 62. The style of all ordinances shall be, "*Be it ordained by the City Council of the City of Waukegan.*"

Additions.

§ 63. Any tract of land adjoining said city, which may be laid off into blocks or lots and duly platted, according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be annexed to said city and form a part thereof.

§ 64. This act shall not invalidate any legal act done by the corporation of the town of Waukegan, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability, which may have accrued to or been created by said corporation prior to the passage of this act.

Conservators  
of the peace.

§ 65. All officers of the city, created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary, detain such person in custody over night or the Sabbath, in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Public act.

§ 66. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage.

Debts, &c.

§ 67. The said city shall be liable for all lawful debts and contracts now or hereafter made and contracted by the president and trustees of the town of Waukegan; and the authority and duty conferred upon the corporate authorities by an act approved February 14th, 1855, entitled "An act to authorize the town of Waukegan to borrow money and levy a tax," to levy and collect a special tax to pay any

debt which may have been contracted by virtue of the provisions of said act, and to keep in repair the bridges erected with the money thereby authorized to be borrowed, is hereby conferred upon said city.

§ 68. Each ward in said city shall annually elect one supervisor, at the time and in the manner hereinbefore provided for the election of aldermen, and the supervisors so elected shall be members of the board of supervisors of Lake county, possessing all the authorities, rights, powers and privileges of members of the board of supervisors for all purposes whatsoever. Supervisors.

§ 69. The first city election under this charter shall be held at the time now fixed by law for the election of officers of the present incorporated town of Waukegan, and the board of trustees of said town are hereby required and empowered to appoint such officers as they may deem necessary to conduct said first election; and the returns of said election shall be made to said board of trustees, who shall therefrom determine the result of such election; and the persons elected shall thereupon enter upon the duties of their respective offices under this act, and thenceforth said city government shall be deemed organized and in operation. Election.

§ 70. No money shall be borrowed by the city for any purpose whatever. The city shall never become a stockholder in any partnership or private corporation, and shall not loan its credit for the benefit of any private corporation or partnership. Borrow money

§ 71. The collector shall receive for his compensation as such collector, two per cent. upon all taxes levied by the city, and the treasurer, for his compensation, the sum of one half of one per cent. for receiving and one-half of one per cent. for disbursing moneys which shall come to his hands as such, which fees of the collector and treasurer shall be paid out of the general fund, and no part thereof shall be paid out of moneys received for school or educational purposes. Collector.

§ 72. For the enforcement of the collection of all taxes and assessments levied by the common council under this act, real estate liable therefor shall be subject to sale, redemption and conveyance, in the same manner as is now or hereafter may be provided in the general laws of this state for the sale, conveyance and redemption of lands for state and county taxes: *Provided*, that the city treasurer shall have the same power and perform the same duties as devolves on the county treasurer of Lake county, in like cases, and he shall receive same compensation therefor. And the city clerk shall have the same powers and perform the same services as devolves on the county clerk of said county in like cases, and shall receive the same compensation therefor. The county court of Lake county shall have jurisdiction to render judgment in all cases for taxes and assessments. Collection

Election.

§ 73. The president and trustees of the town of Waukegan shall cause and provide for an election to be held in said town on the third Monday of March next, at which the inhabitants residing within the territory described within the first section of this act, who are authorized to vote for state officers, shall vote "For the Charter," or "Against the Charter;" and if a majority of votes given at such election shall be for the charter, then this act shall immediately take effect as a law; but if the majority of votes shall be against the charter, then this act shall be of no effect.

Repeal.

§ 74. All acts and parts of acts coming within the provisions of this charter, that are contrary or inconsistent with its provisions, are hereby repealed. And all general laws or parts of laws heretofore passed for the purpose of enlarging or adding to the powers of towns and cities shall not apply to the corporation hereby created.

APPROVED January 23, 1859.

In force February 12, 1859.

AN ACT to amend an act entitled "An act to incorporate the Carroll County Coal and Mining Company," approved February 11, A. D. 1857.

Amendment.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section first, of said act, be so amended as to correct the names in said bill, so that the names Abram Hasteller, Abram Summey, John L. Hastiller, shall read Abram Hostetter, Aram Summy and John L. Hostetter.

APPROVED February 12, 1859.

In force February 24, 1859.

AN ACT to incorporate the Peru Coal Mining Company.

Body politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That Ebenezer Higgins, John H. McMillan, Frederick S. Day, William Chumasero, Isaac Abraham Naason Young, John J. Tilden, Ezra McKenzie, Erasmus Winslow and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Peru Coal Mining Company," for the term of one hundred years, with the power to contract and be contracted with, sue and be sued, in that name, in all courts and places; to have a common seal, and change the same at pleasure, to engage in the mining, sale and transportation of coal, iron or other minerals, and in the manufacture of iron, lime, coal oil, fire



brick, and other products of lands now owned or occupied, or hereafter to be owned or occupied by them, and in the transportation of the same, or any of them, to home and foreign markets.

§ 2. The said company may receive, purchase and hold Powers. any real estate, mining rights and right of way, for the purpose of mining and preparing for sale and transportation of coal, iron, lime, bricks, slates, coal oil and other articles, the products of their mines, for home and foreign markets, as may be deemed necessary, by them, to the successful prosecution of their business, and the execution of the powers herein granted; and may build and own boats, trucks, houses and other personal property, for carrying on their business; and may dispose of the same, by sale or otherwise; and may receive real estate in payment of stock; and shall have power to construct such wagon-ways or railways, and appurtenances thereto, either above or below ground, from their mines to such points as they may deem expedient, and for such purpose are hereby invested with all needful rights and powers.

§ 3. The said Peru Coal Mining Company, having been Contracts le-  
galized. heretofore organized under the general act, entitled "An act to authorize the formation of corporate companies, for the purpose of mining and transportation, by a general law," in force August 22d, 1852, it is hereby enacted that all contracts which have been made by said Peru Coal Mining Company with the city of Peru, or any other individual or corporation, shall continue in force and be binding upon the parties thereto, in the same manner and with like effect, as if this act had not been passed.

§ 4. The present officers of such company shall continue Officers. to hold their respective offices, under the by-laws adopted by said company, and until their successors shall be elected.

§ 5. Said company shall have power to employ such By-laws. agents, and define their powers, and to make such by-laws, rules and regulations, as they may deem necessary for the government and management of said company, not inconsistent with the constitution and laws of this state or of the United States.

§ 6. The capital stock of said company shall be three hun- Capital stock. dred thousand dollars, with power to increase the same to any sum, not exceeding five hundred thousand dollars, or to diminish the same at pleasure. Said stock to be divided into shares of one hundred dollars each; and the holder of stock in said company shall, by himself or proxy, be entitled to cast one vote for each share so held by him, at all elections held by said company, for president managers and other officers of said company, or the transaction of any business for the same.

§ 7. The president or other officers employed by the Certificates of  
stock. company shall issue certificates of stock to the holders there-

of, whenever the same shall be paid for, which certificates shall be countersigned by the secretary, and shall be assignable and transferable only in such manner and at such places as the stockholders of said company shall, by their by-laws, prescribe.

Borrow money

§ 8. It shall be lawful for the president and directors of said company to borrow or obtain on loan any sums of money, and on such terms as they may deem expedient, for said company, and issue notes or bonds for the same, secured by mortgages on the real estate of the company or otherwise.

Tax.

§ 9. The real and personal estate of said company shall be assessed for taxation as other property, but the stock shall not be liable to be assessed.

§ 10. This act shall take effect from and after its passage.

APPROVED February 24, 1859

In force Feb'y  
24, 1859.

AN ACT to incorporate the Blandinville Seminary, in the County of McDonough.

Body politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That O. F. Smith, W. A. Shephurd, J. J. Wyatt, W. Hankins, Isaac Kretzinger, J. Keithly, D. F. Bair, J. K. Jackson, J. A. Kenayer, M. Ambrose, E. Vandemark and A. Wymset, and their successors, are hereby created a body politic and corporate, to be styled and known as "The Trustees of Blandinville Seminary, and the Joint Stock Educational Society of the Church of the United Brethren in Christ," with power to sue and be sued, to plead and be impleaded; to take and hold real estate and other property, by purchase, gift, grant, devise or otherwise; to lease, convey and dispose of the same, for the promotion of the interests of the said institution.

Classes.

§ 2. The first six of the above named trustees shall be divided into three classes, in the order of their names; the term of office of the first class shall expire the first Monday in October, 1859; the term of the second class in one year, and of the third class, in two years from that time. The stockholders, at their annual meeting, some time in the month of September of each year, shall elect, by ballot, two individuals to fill the vacancies which will occur on the first Monday of October ensuing.

§ 3. The remaining six of the above named trustees shall also be arranged in three classes, and the annual vacancies occurring shall be filled by the Illinois Annual Con-

ference of the Church of the United Brethren in Christ, at its annual sessions.

§ 4. Vacancies occurring during the year, in either branch of the board of trustees, may be filled by the remaining trustees of that branch. Vacancies.

§ 5. The joint board of trustees shall have authority, from time to time, to prescribe the course of study to be pursued in the institution; to fix the rate of tuition and other expenses; to appoint the principal, professors, teachers and such other officers and agents as may be necessary to manage the concerns of the institution; to fix their compensation, and to displace them when the interests of the institution require; to erect suitable buildings, purchase books and chemical, philosophical and other apparatus, and all other means of instruction, and to put into operation and enforce such rules and regulations, for the institution, as they shall judge right and proper. Powers of trustees.

§ 6. The said joint board shall publish, in a circular or catalogue, the course of study prescribed for each sex; and when any student shall have sustained an examination upon the studies of the course, satisfactory to the faculty of the institution, they shall receive diplomas or certificates of the same. Catalogue.

§ 7. The subscribers to the fund of the institution, to the amount of one hundred dollars, shall be entitled to one vote at all the meetings of the stockholders, and subscribers of a larger amount shall be entitled to a vote for each additional one hundred dollars subscribed and paid, or satisfactorily secured to the trustees. Votes.

§ 8. The corporation may issue certificates of scholarship, limited or perpetual, upon such terms as they may determine, and the benefit of such scholarship shall inure to the purchasers thereof, their heirs or assigns, so long as the condition of the scholarships are faithfully complied with, and no longer, except at the option of the corporation. Scholarships.

§ 9. All profits accruing from tuition or any other source shall be applied to improve the property of the institution, and to increase the facilities for imparting instruction. Profits.

§ 10. The lots, buildings, library, apparatus and all other property, belonging to said corporation is, and the same shall be forever exempt from taxation, for state, county or corporate purposes. Exemption.

§ 11. This institution shall be open to all youth of a good moral character, and the profession of any religious faith shall not be required of those who become students. Seal.

§ 12. The joint board, at their first meeting, shall fix upon a common seal for the institution; shall determine the number of their board necessary to constitute a quorum, the qualification of their officers, and shall have power to form a code of by-laws, and alter the same: *Provided*, they



are not inconsistent with the constitution and laws of the state.

§ 13. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force February 18, 1859.

AN ACT to incorporate the Charleston Academy.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of establishing and maintaining an institution of learning of a high grade at the town of Charleston, in the county of Coles, Albert Compton, Aaron Ferguson, George W. Teel, John F. Parcels and E. H. Starkweather, and their associates and successors, are hereby constituted a body corporate, by the name of "The Charleston Academy," with perpetual succession, and power to sue and be sued, either at law or in equity; to have and use a common seal and alter the same at pleasure; to take and hold real estate and personal property, by gift, grant, devise or purchase, and to rent, lease, sell, convey or in any wise dispose of the same, according to the by-laws of said incorporation.

Corporators.

Trustees.

§ 2. The five persons above named shall constitute the first board of trustees of said academy and shall cause books to be opened at the town of Charleston within three months from the passage of this act, for subscription to the stock of said academy, in shares of fifty dollars each. That so soon as the sum of twelve hundred and fifty dollars shall have been subscribed, the said trustees shall call a meeting of the stockholders herein, who shall proceed to elect a board of trustees, to consist of not less than five nor more than nine stockholders, the number to be determined by a vote of the stockholders present, which said trustees shall continue in office until Friday after the fourth of July, 1860, and until their successors are elected.

Meetings.

§ 3. There shall be an annual meeting of the stockholders in this incorporation, on the Friday after the fourth of July in each year, for the purpose of transacting of business, and to elect trustees for the ensuing year, to which meetings the trustees shall make a report of the general condition of the academy, setting forth particularly the character of the instruction imparted, the number of teachers and pupils and the financial condition of the incorporation.

Vote.

§ 4. At all meetings of the stockholders, each stockholder shall have one vote for each share of [stock] he may hold in said corporation.

§ 5. The trustees or any ten stockholders may call stockholders' meetings by giving five days' notice thereof. Special meetings.

§ 6. The principal building or the site of the same shall not be sold by the trustees, without the consent of three-fourths of all the stockholders, counting by shares, in said incorporation.

§ 7. The trustees shall have power to appoint and for good cause dismiss all such professors, teachers, officers and servants of the academy as the by-laws may designate, and also to confer upon such students as are properly qualified, the degrees usually conferred by such institutions in this state. Powers of trustees.

§ 8. The rents and profits arising from the real or personal property, tuition fees, or other sources, after paying all expenses and liabilities of the said incorporation, may be divided among the stockholders, according to the number of shares held by each. Profits.

§ 9. The trustees, with the consent of three-fourths in interest of the stockholders, may, at any time, dispose of site and buildings of the said academy to the directors of the school district in which it is situated or the united boards of directors of the neighboring districts, for the purpose of forming a union school, under the laws of this state; and in case of a sale for that or any other purpose, the proceeds of said sale shall be divided *pro rata* among the stockholders. Sale of property.

§ 10. The trustees shall have power to make suitable by-laws for the regulation of the business of the incorporation and the proper conducting of the said academy, by which they may designate the number and names of the necessary officers of the incorporation, also the number and qualifications of the several professors and teachers, and regulate their compensation and the amount of the tuition fees to be charged and the course of study to be pursued, also provide for the dismissal or other punishment of refractory students. By laws.

§ 11. The property, both real and personal, belonging to this incorporation, shall be forever exempt from taxation: *Provided*, that this section shall not extend to more than twenty-five thousand dollars in value of personal property, nor to more than forty acres of real estate. Exemption.

APPROVED February 19, 1859.

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AN ACT to incorporate the Dover Academy.

In force Feb'y  
24, 1859.

Whereas John Belangie, William C. Stacy, Marshal A. Abel, Ariel Kellogg, Flavel Bascom, and various other persons, have heretofore become associated together for Preamble.

the purpose of erecting suitable buildings and establishing an academy in the village of Dover, in Bureau county, in pursuance of which association, said persons above named and their associates, have erected buildings and established an academy, as aforesaid; therefore,

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Belangie, William C. Stacy, Marshal A. Abel, Ariel Kellogg and Flavel Bascom and the other stockholders of said association, mentioned in the preamble hereof, who have paid the amount of stock by them subscribed, and their successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Dover Academy," and by that name and style to have perpetual succession, for the purpose of maintaining an institution of learning as herein contemplated.

Powers.

§ 2. The corporation hereby created shall have power, by their corporate name, to contract, to sue and be sued, to acquire and receive and hold, by purchase or otherwise, property, real, personal and mixed, and to use, manage, sell and dispose of all such property or money, belonging to said incorporation, in such manner as to them shall seem proper for the promotion of the objects and interests of said corporation; to make, have and use a common seal and to alter the same at pleasure, and to make and establish all such rules, by-laws and regulations for the management of said institution and corporation as they may deem proper and not inconsistent with the laws of this state.

Trustees.

§ 3. Said corporation shall have a board of trustees, consisting of five members, who shall be stockholders in said institution and who shall be elected by the stockholders at such times and in such manner as the rules and by-laws of said corporation shall determine. The trustees shall choose from their own number a president, secretary and treasurer, whose duties shall be prescribed by the by-laws of the corporation. The said John Belangie, William C. Stacy, Marshal A. Abel, Ariel Kellogg and Flavel Bascom, are hereby constituted the board of trustees of said corporation, to continue in office till others are chosen in their stead.

Powers of trustees.

§ 4. The trustees shall have authority to prescribe and regulate the course of study pursued in the academy, to fix the rate of tuition, to appoint a principal and such teachers as may be deemed necessary, to define their duties, fix their compensation, dismiss and remove them, to provide suitable buildings, purchase books and apparatus for the benefit of said institution. The academy shall be open to both sexes and to all religious denominations, and no particular religious faith or denominational connection shall be required of teachers or pupils.

By-laws.

§ 5. The articles of association of the said Dover academy and the by-laws, rules and regulations of said asso-



ciation heretofore formed, not inconsistent with this act, shall be and remain the rules and regulations and by-laws of the corporation hereby created until repealed or changed by said corporation; and all the property, rights and credits of said association, shall be and are hereby vested in the corporation hereby created, with full power in said corporation to maintain actions for the recovery of any such rights and credits, if necessary, whether the same have accrued to said association by voluntary subscription or otherwise; and said corporation shall have power to secure, upon the property of said corporation, any person or persons who have advanced money or moneys for the benefit of said association heretofore existing, the amount by them so advanced.

§ 6. This act to be in force from and after its passage.  
APPROVED February 24, 1859.

AN ACT to incorporate the Ewing Female University.

In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly*, That the trustees and proprietors of the Ewing Female University, in the city of Knoxville, Knox county, Illinois, are hereby constituted a body corporate and politic, by the name of "The Ewing Female University," located and always to remain at the said city of Knoxville, for the purpose of promoting collegiate and academic female education.

Body politic.

§ 2. All the subscriptions, moneys, receipts, personal property, real estate and other assets and claims in favor of and all liabilities against the Ewing Female University, shall legally vest in and rest upon the following named persons and their successors in office, who are hereby constituted a corporate board of trust for said university: John G. Sanburn, H. Nelson, Kirghtley Cephus Arms, John Eads, John W. Carnes, George A. Charles, Patrick H. Sanford, Alvah Wheeler, Orville B. Palmer, Abraham Leightner, Edson Huggins, Zelotes Cooley, James Knox, Calvin Waterbury, Leander Douglass, Hugh S. Woods, Wm. H. Whitton, Harvey Curtis, William Y. Miller, George M. Ewing, Isaac Carey, Charles Holland, Miles Smith and H. Knox Taylor.

Board of trust.

§ 3. The trustees of said university are hereby fully authorized and empowered, in their corporate name, to collect all subscriptions or donations, devises or bequests, which may have heretofore been made, or which shall hereafter be made to and for the use and benefit of the said university, or for the purpose of founding and establishing the same.

Powers of trustees.

§ 4. Said board of trustees, when full, shall be composed of twenty-four trustees, and this number shall be perpetu-

Election of the trustees.

Classes.

ated by successors elected by the proprietors and by the Presbyterian Synod of Peoria, in manner as follows: on the second Monday of January in the year eighteen hundred and sixty, the board of trustees shall meet, and the half first and second named shall, by lot, for themselves separately divide each its own half into four equal classes; the term of office of the first class shall expire by the second Monday in January, eighteen hundred and sixty-one, that of the second class in one year, that of the third in two years, and that of the fourth in three years thereafter. The said Synod of Peoria, may, at each of its annual meetings, commencing in the year eighteen hundred and sixty, elect three trustees for said university, to hold their office in said board for the term of four years from the second Monday in January next following their election; said Synod may also fill any other vacancy occurring in the last named half of the board of trustees of said university. The first half of the trustees named in this board of trust for said university shall be perpetuated in succession as follows: this board shall give to each donor or his legal representative, a certificate of one share for each fifty dollars paid into the fund of said university, except the moneys paid by and for the Synod of Peoria; each share shall entitle its legal holder, in person or by proxy, to one vote in the election of trustees; the said shares to be transferable on the books of the company. Said shareholders, in a meeting for this purpose, held on the first Monday in November, in the year eighteen hundred and sixty, and on the same day in each year thereafter, shall elect three trustees of said university for the term of four years from the second Monday in January next following their election, and also fill all other vacancies which may have occurred in the first named half of the board of trustees of said university. The secretary of the board shall give public notice in the city of Knoxville, at least ten days before the time of the holding of said annual meeting, to the shareholders. If in any year said shareholders or said Synod fail to elect trustees to fill the vacancies in said board for the next year, the trustees shall at their meeting on the second Monday in January next following, fill such vacancies by electing the requisite numbers of trustees, each half to fill its own vacancies.

Powers of trustees.

§ 5. The board of trustees shall possess the powers and be subject to the liabilities which are usual to corporate bodies, but they shall use the powers hereby conferred with sole reference to the object for which this corporation is granted, namely, the promotion of academic and collegiate female education. To this end the said board of trustees shall have full power to sue and be sued, plead and be impleaded, to have and use a common seal, which they may change at pleasure, to purchase, receive, hold, lease, mortgage, sell and convey estate, real and personal, to appoint

and remove officers and agents of said board and to require security of any or all officers or agents for the faithful performance of their duties, prescribe the course of study, appoint and remove the president, professors, teachers and agents for instructing and governing the pupils, fix the compensation for services rendered, and for board and tuition of scholars, erect suitable buildings, procure apparatus, furniture and fixtures as they may be needed, make all rules and regulations necessary for governing said school, endow professorships, receive, hold and apply donations entrusted to them, confer such literary honors, degrees and diplomas as may be conferred by other universities and colleges of this state, and perform all other duties implied in this trust and embraced in the object of this charter, subject to the laws of the United States and of the state of Illinois.

§ 6. A majority of said board of trustees regularly Quorum. assembled shall constitute a quorum for the transaction of all the business of said corporation, except that in electing and dismissing members of the faculty, buying, selling, mortgaging or leasing real estate, an affirmative vote of at least thirteen members of the board of trustees shall be required; and all conveyances of any real estate belonging to said corporation shall be signed by the president of the board of trustees, in his official capacity, and acknowledged before any officer authorized to take and certify acknowledgments by the laws of the state of Illinois.

§ 7. No religious test shall ever be required of any trustee, president, professor, teacher, agent or pupil in said university, but in default of a correct, moral, dutiful and diligent deportment any member of the faculty, agent or pupil may be dismissed by the trustees from the emoluments and privileges of said university. Religious test.

§ 8. All the property, real and personal, at any time belonging to said university, shall be held and used by its board of trust solely for the promotion of female education, and while so held and used shall not be subject to taxation for any purpose whatever: *Provided*, the property so exempt shall not exceed in value fifty thousand dollars. Property.

§ 9. The said board of trustees may confer the privilege of honorary trustee upon persons as they deem proper, who shall be entitled to sit with the board at any of its meetings and participate in its deliberations, but not to vote on any question coming before it. Honorary trustees.

§ 10. The president, secretary and treasurer shall be elected by the board of trustees, from its own members, at the meeting on the second Monday in January in each and every year. Officers.

§ 11. This act is hereby declared to be a public act and may be read in evidence in all [courts] of law or equity within the state, without further proof, and shall take effect from and after its passage. Public act.

APPROVED February 19, 1859.



In force Feb'y  
4, 1859.

AN ACT to incorporate the Galena Classical Institute.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Horatio Newhall, Arthur Swanzey, Charles S. Hemptead, Lucias L. Felt, Nelson Stillman, S. W. McMaster, Augustus Estey, Daniel Wann, Cephas Foster, and their successors, be and are hereby created a body corporate and politic, to be styled "The Galena Classical Institute;" and, by that name to remain in perpetual succession, with power to contract and be contracted with, sue and be sued; to hold all kinds of property, real, personal and mixed, which they may acquire by purchase, donation, devise or otherwise, necessary to accomplish the object of incorporation, and the same to dispose of and convey at pleasure; to have and to use a common seal, and alter the same at pleasure; to make and alter such by-laws, for government of the incorporation, its officers and agents, not inconsistent with the constitution and laws of this state; and shall have and enjoy and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

§ 2. The objects contemplated by this act of incorporation are to build up and maintain, in the city of Galena, an intitution of learning of the highest class, for males and females; to teach and inculcate the principles of a sound christian morality, and for the promotion of the arts and sciences.

§ 3. The persons named in the first section, and their successors, shall be the trustees of said institution, and shall have power to erect the necessary buildings; to appoint a president, professors and teachers, and any other agents and officers; to confer degrees in the liberal arts and sciences, and to do all other things for the encouragement of religion and learning, which are lawfully done by the most approved seminaries and colleges in the United States.

§ 4. If any gift, grant or devise or bequest should be made to the corporation, for particular purposes, accordant with the design of this institution, and the trustees shall accept the same, it shall be applied in conformity with the express condition prescribed by the grantor, deviser or donor.

§ 5. The trustees shall have power to appoint a secretary and treasurer, and to require bonds with security from any officer or agent, conditioned for the faithful performance of the duties imposed upon them.

§ 6. The board of trustees for said incorporation shall consist of nine persons, (five of which may be nominated by the Presbytery of Galena, as now organized,) and their successors, which five shall be residents of the city of Galena, who shall hold their offices for terms which shall be prescribed in the by-laws herein provided for.

Corporations.

Objects.

Trustees.

Gifts, &c.

Officers.

Trustees.

§ 7. That all, of whatever kind or description of property, belonging to or owned by said corporation, or held in trust by any person or persons, for the use thereof, shall forever be free from all taxation, for any and all purposes: *Provided*, the amount of real estate does not exceed eighty acres. Property.  
Proviso.

§ 8. That the acts of the persons hereinbefore named as corporators, which have been done in the corporate name, and which were necessary to be done, to carry into effect the objects of said corporation, as herein set forth, are hereby legalized; and all conveyances of property, real or personal, which have heretofore been made to said corporation, by its corporate name, or to any person or persons, for its use, are hereby declared as valid and effectual to convey the property named in such conveyance, as though the same had been made after the passage of this act. Acts legalized.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED February 4, 1859.

AN ACT to amend the Charter of Jubilee College.

In force February 23, 1859.

*Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the "Act to incorporate Jubilee College," approved January 22d, 1847, be amended by adding the following clause to section six of said act: "*Provided*, that the Convention of the Protestant Episcopal Church, in the Diocese of Illinois, at any annual meeting, may elect, according to the rules of said body, three additional trustees; and the trustees, so elected, shall hold their office for two years from the time of their respective elections, and shall not be subject to the nomination and confirmation, as provided in said section six." Amendment.

APPROVED February 23, 1859.

AN ACT to incorporate the Mattoon Academy.

In force February 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That H. M. Tremble, Peter Vovis, Dr. N. W. Chapman, Dr. J. W. Dora, James Monroe, C. J. Drake, H. Clay Wortham, and their successors, are hereby constituted a body corporate, by the name of the "Mattoon Academy," for the purpose of estab- Corporators.

lishing and maintaining an academy, for educational purposes, in the town of Mattoon, in Coles county, Illinois, for males and females; with power to sue and be sued; to take and hold real estate, by purchase, gift, grant or otherwise; to lease, convey and dispose of the same, for the effecting and furthering the purposes aforesaid.

Trustees.

§ 2. The estate, property and financial concerns of said corporation shall be managed and transacted by a board of seven trustees, to be elected by the stockholders, as hereinafter mentioned: *Provided*, that no person shall be a trustee who is not a stockholder.

Officers.

§ 3. Said board of trustees shall choose their own officers, and appoint competent teachers, by ballot or otherwise; manage the course of instruction in said institution, and determine the general manner of conducting said school; make their own by-laws; fill any vacancy or vacancies in their own body, by the appointment of some qualified person or persons, until the next election.

First board.

§ 4. The persons named in the first section of this act shall constitute the first board of trustees, who shall hold office for one year from and after the date this act takes effect, and until their successors are elected and qualified.

Capital stock.

§ 5. Said corporation may have a capital stock of fifty thousand dollars, (\$50,000) divided into shares of fifty dollars (\$50) each, and subscriptions to the same shall be binding when five thousand dollars (\$5,000) shall have been taken; said subscriptions to be paid in cash installments of 20 per cent., as often as may be directed by a majority of the trustees, at any regular meeting of the board. After the subscription becomes binding, upon demand being made by the trustees, any stockholder failing to pay any installment or installments, when due and demanded, shall, at the option of said trustees, forfeit his claim of said stock, and all payments made thereon. Said trustees may increase the capital stock to one hundred thousand dollars (\$100,000), if deemed by them necessary to carry out the purposes of the institution.

Certificates of stock.

§ 6. Any person, having a certificate for one or more shares of said stock, shall be a member of this corporation, and entitled to one vote for each share of stock by him held, on which all installments due shall have been paid. Every stockholder shall be entitled to send one pupil to said institution for each share by him held; and the trustees shall be authorized to make, annually, a deduction, not to exceed 50 per cent., from the established rates of tuition for each term. Said stockholders shall also be entitled to such dividends on their stock as the trustees may, from time to time, declare.

Report.

§ 7. The trustees, at each annual election, shall make and submit a report to the stockholders of the state of the institution and its finances, with an inventory of its property, and declare such dividends from the net proceeds and profits of its receipts and business, as the state of the finances of



said institution may warrant: *Provided*, that no such dividends shall be declared or made when its payment would embarrass the financial efficiency of said institution.

§ 8. The property of said corporation shall forever be and remain free from taxation. Exemption.

§ 9. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 21, 1859.

AN ACT to repeal a certain act, and to revive another act therein named.

In force Feb'y  
24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That an act approved the 14th of February, 1855, entitled "An act to amend an act entitled an act to amend the charter of McDonough College," approved January 23d, 1851, be and the same is hereby repealed. Act repealed.

§ 2. *Be it further enacted,* That an act entitled "An act to amend the charter of McDonough College," approved January 23d, 1851, be and the same is hereby revived and declared in full force, except as hereinafter provided. Act revived.

§ 3. *Be it further enacted,* That vacancies in the board of trustees, hereafter, shall not be filled until the number of trustees is reduced to twelve; after which, that shall be the number of trustees of said college. Vacancies.

§ 4. This act to be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend the charter of Monmouth College.

In force Feb'y  
18, 1859.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the charter of Monmouth College, in Warren county, be and is hereby amended, so that where the words, "Associate Reformed" are used, in the third and eighth sections of said charter, the word "United" shall be used in their stead. Amendment.

§ 2. That the Synod of Illinois of the United Presbyterian Church of North America, be and is hereby vested with all the rights, in and under said charter, which were formerly enjoyed by the Synod of Illinois of the Associate Reformed Presbyterian Church of North America. Rights.

This act to take effect from and after its passage.

APPROVED February 18, 1859.

In force Feb'y  
23, 1859.

AN ACT to incorporate the Nashville Male and Female Seminary.

Incorporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Isaac M. Stagg, Jacob Goodner, Jeremiah Rice, Richard Marsh, Salem Goodner, James Phillips, George W. Hotchkiss, John Leeper, Washington Walker and Amos Watts, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "Nashville Male and Female Seminary," and by that name to remain and have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded; to receive, acquire, hold, transfer and convey property, real, personal and mixed; to have and use the same, together with the issues, rents and profits: *Provided*, that money or property donated for a special purpose shall, if accepted, be faithfully applied to such purpose, and, on failure to be so applied, shall revert to the donor or donors.

Trusts.

§ 2. That the trustees above named, or their successors, as such, shall have power to have, use, alter and change a common seal at pleasure; to adopt by-laws regulating the operations of the corporation, its officers and agents, and specifying the duties of the students: *Provided*, said by-laws be not inconsistent with the constitution of the United States and of this state. The record kept by the secretary of said board of trustees shall be received as evidence of the facts therein contained in all courts of justice in this state.

Objects.

§ 3. The object of this corporation shall be to promote the cause of education generally, and to extend the influence of science, morality and religion in the community.

Power of trustees.

§ 4. The said board of trustees shall have power to collect all money or property which have been or may be subscribed for the benefit of said seminary; to obtain a title to the block or lots of land on which buildings may be erected; to locate the said buildings for said seminary; to provide that buildings be erected; to purchase furniture, books, maps, charts, globes, philosophical and chemical apparatus.

Officers.

§ 5. The board of trustees shall have power to select and employ a principal or president, professors and tutors, as they may judge necessary; to fix their compensation; to remove or dismiss any one or all of them, when they believe the circumstances require it, and appoint others in their stead; to provide the course of study, fix the price of tuition, room rent and other accommodations furnished students.

Faculty.

§ 6. The president or principal, professors and tutors, shall constitute the faculty, and shall have full power to enforce the laws, rules and regulations adopted by the board of trustees for the government of the students, and in the exercise of discipline; to suspend or expel students who behave immorally or violate the laws; and, with the consent of the board of trustees, to confer seminary, collegiate

and honorary degrees, similar to those conferred by other seminaries and colleges, and to grant certificates and diplomas, under the corporate seal.

§ 7. The board of trustees shall have power to establish separate male and female departments, a common school, preparatory, scientific, classical and theological departments; and may connect manual labor with any or all those departments. Departments.

§ 8. The present board of trustees, composed of the persons named in section one of this act, shall be divided by the president of said board, at a meeting to be held on the first Wednesday in April next, into three classes; those composing the first class shall go out of office at the expiration of two years; those in the second class at the expiration of four, and those in the third class at the end of six years from said date; and [their] places shall be filled by a new election, at the expiration of the term of each class, for all time to come; and trustees going out of office shall be eligible to re-election. Classes.

§ 9. All vacancies occurring in the board of trustees shall be filled by the remaining trustees at any regular or called session. Vacancies.

§ 10. The Southern Illinois Conference of the Methodist Episcopal Church may select, annually, a board of visitors, not exceeding ten, who may attend the examinations, and shall be entitled to sit in and a vote at all meetings of the board of trustees. Board of visitors.

§ 11. The block of lots or tract of land on which the buildings may be erected, belonging to said institution, not exceeding ten acres of land, with the improvements thereon, and all personal property belonging to said corporation, shall be exempt from taxation for any purpose whatever. Exemption.

§ 12. The president of the faculty shall be, *ex officio*, a member of the board of trustees, and entitled to sit in and vote at all meetings of the board of trustees, on all matters before said board. A majority of the board of trustees shall be members of the Methodist Episcopal Church. President.

§ 13. This act shall be in force from and after its passage.

APPROVED February 23, 1859.

AN ACT to incorporate "The Olney Male and Female College."

In force Feb'y  
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hon. Alfred Kitchell, Horace Hayward, Esq., James Wright, John H. Gunn, Peter G. Terry, Jonas Notestine, James T. Corporators.



Morehead, Dr. Edmond W. Ridgway, John M. Wilson, Esq., James H. Parker, Esq., Jacob Hoffman, Esq., Rev. William Little, Robert McClure, Nathan Whitney, Rev. William H. Cain, Christian M. Hoover, Alexander L. Byers, Elmore Ridgely, Lemmel Griffin, Dr. William H. Medcalfe, Joseph M. Yocum, John Von Gunter, Dr. George W. Carrothers, Lewis Morrison, William T. Shelby, Esq., and John H. Daily, together with the president hereinafter mentioned, and their successors in office, are hereby constituted and declared a body politic and corporate, under the name and style of "The Olney Male and Female College;" and by that name shall be known and have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of law and equity; to acquire, hold, mortgage, lease, release, sell or convey property, real, personal or mixed; to have a common seal and to alter the same at pleasure; to make and alter, from time to time, all such rules, by-laws and regulations as may be deemed necessary for the government of said institution, its affairs, officers, professors, instructors, students and servants: *Provided*, such by laws and regulations are not inconsistent with the constitution of this state and of the United States; also, to elect and employ a president and such professors and instructors, for the use of said college, as they may deem necessary; to select and employ a treasurer, and such other officers, agents and servants as they may see proper; and to do all other acts necessary to promote the welfare and prosperity of said college.

## Trustees.

§ 2. The several persons named in the first section of this act shall be considered trustees of said college, and successors to the present board of trustees of the "Olney Seminary," and shall hold their office until their successors are elected, as hereinafter provided; and they shall meet together within six months after the passage of this act, at the school rooms of the Olney seminary, now existing in Olney, ten days' previous notice being first given of the time of such meeting, by publication in a newspaper of said town, and elect from among their own number a president, secretary and treasurer, who shall each hold their office until the next annual meeting and until their successors are appointed.

## Classes.

§ 3. The said trustees shall also arrange their list into three classes, and the term of office of the first class shall expire at the next, the second at the second, and the third at the third annual meeting thereafter; and they shall then proceed to decide, by lot, their respective terms accordingly.

## Vacancies.

§ 4. At the first annual election after the organization under this charter, and which time shall be fixed by the said trustees, on any day, either greater or less than one year thereafter, they shall fill the vacancies that may have occurred, by death, resignation or refusal to act, as also of

those whose terms expire, by the election of such persons as the majority present may choose.

§ 5. At the regular annual meetings of said trustees, Co-trustees. they shall admit into their body as co-trustees, for the time, such committee, not exceeding nine, as may have been appointed by the Southern Illinois Conference of the Methodist Episcopal Church, under whose patronage the "Olney Seminary" has been heretofore, and the "Olney Male and Female College" is now established; which committee or co-trustees shall have, at such annual meetings, full powers and privileges with the other trustees of said institution.

§ 6. It shall not be necessary that all of said trustees Quorum. shall be present at any meeting, but any nine of them shall constitute a quorum to do business: *Provided*, notice of any call or special meeting shall be given, by publication, at least ten days previously; and said trustees, at their annual meetings, shall elect their officers and executive committee, and such other agents as they may choose: *Provided, also*, that vacancies occurring between the annual meetings may be filled at any special meeting.

§ 7. The said trustees shall have power to establish Departments. departments for all the different branches of learning, including the studies in the learned and liberal professions, and to confer such degrees as are usually conferred by similar institutions in the United States in the learned arts and sciences; and at their annual meetings they shall appoint and employ the president of the institution, who shall be, *ex officio*, a member of said board of trustees, and such professors, instructors and teachers as may be necessary: *Provided*, that in case of failure to make said appointments at the annual meetings, the same may be done at any special meeting or by the executive committee.

§ 8. The president of said college, by and with the Course of instruction. advice and consent of the trustees or executive committee, shall have power, from time to time, to regulate and establish the course and mode of instruction and education to be pursued in said college, and, together with such professors and instructors as the trustees or executive committee may designate, shall be styled "The Faculty of the Olney Male and Female College," and, as such, shall have full power to adopt and enforce all such rules of government, in the several departments, over pupils and attendants, and for the punishment, suspension or expulsion of pupils, as they may deem expedient for the good government and welfare of the institution, not inconsistent with the constitution and laws of the United States or of this state, nor with the by-laws and ordinances of the said trustees; and which rules and regulations shall remain in force until disapproved by the trustees, at any meeting, and no longer.

§ 9. The said trustees shall have the right to regulate Rates the manner of admitting students, the rates of tuition and

other necessary expenses; fix the compensation of the professors, instructors, officers or agents; to remove or suspend, by a vote of at least a full quorum, the president or any professor, for causes to be assigned in writing: *Provided*, that no religious test or particular religious belief shall ever be held as a requisite for admission into any department of said institution or removal therefrom, nor in the election of any professor, officer or other place of honor or profit in it, but the same shall be open alike to persons of any and all religious professions.

Examination.

§ 10. In addition to the other powers conferred, the said institution, by the board of trustees, shall have power, jointly with the faculty, to appoint a board of competent persons, always including the faculty, to examine into the qualifications and character of such persons, male or female, who may apply, and to confer upon them such diplomas and degrees as they may be entitled to receive, from full knowledge of such studies and professions, as may be furnished by said institution, whether educated therein or not, being considered graduates in course: *Provided*, that said applicants shall pay such fees as shall be assessed therefor, not exceeding the tuition bills of a full course.

Lectures

§ 11. The said trustees may, also, provide for regular or occasional lectures upon other literary, scientific, historical or other subjects, besides those provided for in the different departments of said college, and to fix the rate of fees thereto, &c.; and they shall also have full power to enlarge their buildings, erect new ones, procure other and different grounds for such buildings, by grant, purchase or otherwise: *Provided*, the same be in or adjoining the said town of Olney, in the county of Richland, and to borrow money or mortgage the said grounds or other property to secure the payment of any debts, costs or liabilities incurred in such purchase, or the improvement thereof, or in the support of said college: *Provided*, that said purchase of grounds, or contract for the erection of new buildings, shall not be made without due notice, and at a regular annual meeting of said board of trustees.

Calliopean Society.

§ 12. The Calliopean Society, now formed, and such other literary, scientific or professional societies as may hereafter be formed in said institution, shall be considered under its control and subject to be visited by the faculty and trustees, and to be dissolved whenever the same may become unworthy or inimical to the welfare of said college; and the library, including all books, maps, documents, curiosities and other acquisitions, now on hand or hereafter attained, by purchase, gift or otherwise, to said society or societies, or to said college, shall be considered the property of the said institution forever; and the said board of trustees and faculty shall not suffer the same, or any part thereof, to be removed therefrom. All the apparatus, fos-



sils and other articles, now on hand, for illustration, curiosity or other purpose, shall also be preserved, together with all that may hereafter be acquired.

§ 13. The said Calliopean Society, under the direction of the trustees aforesaid and faculty, shall have the right to establish all necessary by-laws for their own government, for the admission of members, and the election of honorary members; and other societies hereafter formed may have like privileges.

§ 14. The said institution and all its property, real, personal or mixed, shall be exempt from taxation: *Provided*, there shall be exempt from taxation any number of acres of land not exceeding ten acres. Exemption.

§ 15. If at any time hereafter the said trustees, hereby appointed, or their successors in office, should desire or find it better for the welfare of said college to convert it into a stockholders' institution, and they shall so decide, at any regular annual meeting, after due notice of such object, they shall then proceed to open books for subscription to the capital stock therein, which shall be ten thousand dollars, and divided into shares of fifty dollars each, and to provide for the same by appointing such agents as they may deem necessary; and whenever it shall be ascertained by the said board of trustees, or their executive committee, that the sum of three thousand dollars has been taken of such capital stock, and ten per cent. thereof paid in to the treasurer of said college or to such other agent as may be appointed to receive the same, the said board of trustees, or their executive committee, shall call a meeting, at said college building, of such subscribers of stock, at some time, of which due notice shall be given to said subscribers, by publication, for at least ten days previous. Change of corporation.

§ 16. Upon the meeting of said subscribers or stockholders, so called, they shall proceed to elect, of their number, a board of directors, consisting of nine, who shall hold their office for one year and until their successors are elected, seven of whom shall constitute a quorum to do business; and which board of directors, afterwards, shall choose, of their own number, one president, one treasurer and one secretary. The said stockholders shall be considered the successors of said trustees, and entitled to all the property, rights and franchises held by them. The board of directors, so chosen by the stockholders, shall be considered the successors of the executive committee and other officers appointed by the said trustees; and the said officers, so by the said stockholders' board elected, shall succeed, respectively, to the several offices. And the whole institution, with all its rights, powers and property, shall vest in and become the property and franchises of the said stockholders, and be delivered over accordingly, who shall be liable to all the provisions and limitations herein applicable, as if no change Organization.

had occurred: *Provided, however*, that the said visiting committee of the Methodist Episcopal Church and the said president shall not, as such, be members of said company or board of directors.

Capital stock

§ 17. The said stockholders' company may provide for collecting the subscriptions to the capital stock, from time to time, as also for increasing the capital stock to a sum not exceeding twenty-five thousand [dollars], and for procuring and collecting all future subscriptions. They may make the shares of stock transferable, in such form as they choose, and do all other acts found necessary in the management and building up of said college, not inconsistent with the powers hereinbefore granted, or the laws and constitution of this state and of the United States.

§ 18. This act shall be deemed a public act, and used as evidence, without being specially pleaded, without proof, and shall be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to incorporate the Springfield Ursuline Convent of St. Joseph.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Harriet Wolfe, Anna Maria Coleman, and Mary Ann Malony, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the "Springfield Ursuline Convent of St. Joseph;" and by that name shall have perpetual succession, with power to have and use a common seal, and to alter the same, and with power to make by-laws, not inconsistent with the constitution and laws of the United States or of this state, and to change or alter the same.

§ 2. It shall be lawful for said corporation to acquire any quantity of real estate, within the present corporate limits of the city of Springfield, not exceeding five acres, and not exceeding twenty acres outside of said limits and within two miles thereof, and not exceeding twenty acres elsewhere: *Provided*, that not more than five acres shall be located in any town or city: *Provided, further*, that the legal title to any real estate situated in said city, now vested in any one or more of the above named incorporated persons, for the use of the "Ursuline Community," may be conveyed by such person or persons, upon the same uses, to the said corporation.

§ 3. Said corporation shall have power to provide for the election or appointment and for the government of its officers, agents and servants; to provide for their compensa-

tion; to fix the duration and conditions of the tenure of office of its officers, to designate them by such names, not inconsistent with the object of this act, as the corporation may prescribe.

§ 4. It shall not be lawful for said corporation to exercise the powers and privileges herein and hereby granted, or to hold or use the real estate that may be acquired in pursuance hereof, only to encourage and promote by a system of education, the social, moral and intellectual culture of female pupils. Objects

§ 5. This act shall be in force from and after its passage  
APPROVED February 24, 1859.

AN ACT to repeal an act entitled "An act to amend an act entitled an act to incorporate the Southern Illinois Female College, at Salem," approved February 18, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act approved February 18, 1857, entitled "An act to amend an act entitled 'an act to incorporate the Southern Illinois Female College, at Salem,'" be and the same is hereby repealed.

§ 2. This act to be in force from and after its passage.  
APPROVED February 19, 1859.

AN ACT to incorporate the Washington Academy.

In force Feb'y  
24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John L. Marsh, A. H. Danforth, James Smith, B. E. Miles, Lawson Holland, and other stockholders of a joint stock company in the town of Washington, formed for the purpose of erecting a seminary in said town of Washington, and said building to be called the "Washington Seminary." The aforesaid company, their associates, successors and assigns, be and they are hereby created a body politic and incorporate, by the name and style of the "Washington Academy Joint Stock Company;" and by that name and style to have perpetual succession, for the purpose of establishing and maintaining, in the town of Washington, an institution for the promotion of the general interests of education. Corporators

§ 2. The corporation hereby created shall have power, Powers.  
by their corporate name, to collect all subscriptions which



may have been heretofore made to said joint stock company, for the purpose of erecting an educational institution, and enforce all contracts which have been made by said joint stock company; and to contract; to sue and be sued; to acquire, receive and hold, by purchase or otherwise, property, real and personal or mixed, and to use, manage and employ or sell and dispose of all such property or money belonging to said incorporation, in such manner as to them shall seem proper for the promotion of the objects and interests of said corporation, and to make and establish all such rules, by-laws and regulations for the management of said institution and corporation, as they may deem proper: *Provided*, they are not inconsistent with the laws of this state.

Trustees.

§ 3. The business of this corporation shall be controlled by a board of trustees, consisting of five members, who shall be elected by the stockholders, on the third Saturday of the month of March, A. D. 1859, and annually thereafter, by a majority of the votes cast at such election. Said trustees shall elect one of their members president of said board, and one secretary, and also a treasurer; and the treasurer elect, previous to his entering upon the duties of his office, shall give good and sufficient security for the faithful performance of the same.

Teachers.

§ 4. The aforesaid trustees shall employ teachers, and shall have power to confer honorary degrees in education and to grant diplomas for the same; they shall also have power to expel students for disorderly or immoral conduct.

Capital stock.

§ 5. The capital stock of this association shall not exceed twenty-five thousand (\$25,000) [dollars,] and said capital stock shall be divided into shares of one hundred (\$100) dollars each; and each and every share shall, at all elections in reference to said academy, be entitled to one vote.

By-laws.

§ 6. The articles, rules, regulations and by-laws of the aforesaid joint stock company, not inconsistent with this act of incorporation, shall be and remain in full force until the same shall be repealed or changed by the incorporation; and all the property, rights and credits of said joint stock company shall be and are hereby vested in this association. The officers of said joint stock company shall be and remain the officers of this corporation until their successors are elected, at the first annual election as aforesaid.

Meetings.

§ 7. The first meeting of the stockholders, for the purpose of electing the aforesaid officers, shall be on the third Saturday of the month of March, one thousand eight hundred and fifty-nine, (1859,) and annually thereafter; and in the event of it so happening, that an election of said officers should not be made at any of said annual meetings, this corporation, for that cause, shall not be deemed dissolved; but it shall be lawful, on some other day, to call a meeting of said stockholders, and elect officers, in such manner as shall be prescribed by the by-laws and regulations of this

corporation; and the old officers shall act in their capacity until their successors are elected.

§ 8. The lands, lots, buildings, library, furniture, philosophical, mathematical, or other apparatus, is hereby and the same shall be forever exempt from taxation for state, county, town and city purposes; and also exempt from execution for other than debts or demands against the said corporation, in its corporate capacity, except for debts of the stockholders due the corporation. Exemption.

§ 9. The aforesaid corporation may have a common seal; and the certificate of the secretary of said corporation, under the corporate seal thereof, shall be received in all courts of justice and elsewhere, as evidence of the acts and doings of said corporation. Seal.

§ 10. The board of trustees may sell and convey the property of the association to a board of directors, for free school purposes, or to any other body or individual, when required so to do, by a two-thirds vote of the stockholders voting at an election called and held for that purpose. Sale of property.

§ 11. This act is hereby declared to be a public act, and shall be in force from and after its passage in the aforesaid general assembly. Public act.

APPROVED February 23, 1859.

AN ACT to incorporate the American Express Company.

In force Feb'y  
12, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Wells, John Butterfield, William G. Fargo, Johnston Livingston and Alexander Holland, together with such persons as shall become subscribers to the stock hereinafter authorized, and their successors, be and are hereby created a body corporate and politic, in law, by the name of the "American Express Company;" and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity. Said company may be sued in any county in this state, for any cause of action accruing to any resident of said county; and, in all such cases, the process may be served by leaving a copy thereof with any acting agent of said company, within the county wherein said action may be commenced. Corporators.

§ 2. The business of said corporation shall be such as is usual with companies known as express companies and as has been heretofore conducted by such companies. Business.

§ 3. The capital of said corporation shall be one million of dollars, with power, by a vote of two-thirds of the directors, to increase the same, from time to time, to a sum not Capital stock.

exceeding two million of dollars, to be divided into shares of one hundred dollars each; and the stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times and in such manner, upon such notice and with such penalties and remedies, by way of forfeiture or sale, in case of failure to pay by any subscriber, as the directors of the corporation may appoint and determine.

Directors.

§ 4. The affairs of said company shall be managed by a board of directors, to consist of seven stockholders, to be elected annually—each share to entitle the holder, in person or by proxy, to one vote. The first board of directors shall be elected within ninety days after said company is organized, as hereinafter provided, and subsequent elections shall be held at such time and place as the board of directors may appoint; and a full statement of the affairs and business of the company shall be made quarterly, and reported to the directors, and shall be open to the inspection of all the stockholders during business hours. The board of directors shall have the power of filling vacancies in their board, and shall hold their offices until their successors be appointed and qualified. A failure to elect a board of directors, upon the regular day, shall not work a forfeiture of the rights of the company; but the directors may call an election, to be held thereafter, on giving thirty days' notice of such election, at such time and place as the directors or a majority of them may designate.

Officers.

§ 5. The directors shall elect from their own number, a president, vice president and secretary, and shall appoint such other officers and agents as they may think proper, and they may regulate, by by-laws, the duties and authority of each and every officer or agent.

Property.

§ 6. Said company shall have the right to acquire and hold such personal property as may be needed by them in carrying on their business, and may, also, own and convey such real estate as may be required for the proper and convenient transaction of their business, and may convey or mortgage [such property.] or any part thereof. They shall have an office in this state, and offices in such other places or states as they may require.

Commissioners

§ 7. Said Henry Wells, John Butterfield, William G. Fargo, Johnston Livingston and Alexander Holland, shall be commissioners, under this act, or a majority of them, to open books of subscription to the capital stock of this company, and shall give thirty days notice, in some daily newspaper published in Chicago, in this state, of the time and place of opening such books. And when the sum of two hundred and fifty thousand dollars is subscribed, and ten per cent. thereon paid in, said company shall proceed to organize, by electing directors; and shall be then authorized to proceed to transact business under this charter.



§ 8. Taxes shall be levied, according to its value, only Taxes.  
on the capital stock of said company actually paid in and  
employed within the limits of this state; which taxes shall  
be paid by the company and not by the parties holding the  
stock as stockholders.

§ 9. Stockholders shall be personally liable to the extent Liability.  
of the unpaid portion of the stock severally held by them.

This act shall be a public act, and be in force from and  
after its passage.

APPROVED, February 12, 1859.

AN ACT to incorporate the Joliet Gas Light Company.

In force Feb'y  
11, 1859.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That Nelson D. Elwood, R. Eaton Goodell, Firman Mack, Josiah McRoberts, George Woodruff, Edmund Wilcox, William S. Brooks, Thomas Hatton, William Adams, Sherman W. Bowen, James T. McDougall and Thomas Hatton, junior, their successors, associates, heirs and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Joliet Gas Light Company;" and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever; with full powers to acquire, hold, occupy and enjoy all such real and personal estate, as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

§ 2. The corporation hereby created, shall have full Powers.  
power and authority to manufacture and sell gas, coke and tar, made from any or all of the substances from which inflammable gas and coke and tar are usually obtained, and to be used for the purpose of lighting the city of Joliet, or the streets thereof, and public places or houses therein contained, and other places in that vicinity, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues, public grounds or other places in the said city, or elsewhere: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold shall not exceed in value one hundred thousand dollars, and it shall be lawful for the said company to sell and convey any real estate it may possess, when not required for its own use.

Capital stock.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns and affairs of said company; which by-laws, rules and regulations the said company, by its directors, are hereby empowered to make, and to change, alter and revise at pleasure; and provide for the management and disposition of the stock, property and real estate of said company; the duties of the officers, artificers and agents, to be employed; the number and selection of directors; and all such other matters as pertain to the concerns, affairs or necessities of the company. Said company shall have the exclusive right and privilege of supplying the city of Joliet with gas, for the purpose of affording light, for twenty-five years.

To succeed the  
"City of Joliet  
Gas Depart-  
ment."

§ 4. The corporation hereby created shall immediately succeed the "City of Joliet Gas Department," into which company the said department is hereby merged; and said company are hereby declared responsible for all the liabilities, contracts and undertakings of the said department, and is also hereby vested with all the rights, privileges and immunities of the said department, together with all its property and estate, of whatever kind or nature. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1859.

In force Feb'y  
24, 1859.

AN ACT to amend the charter of the Crystal Lake Ice Company.

Capital stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Crystal Lake Ice Company, of the town of Algonquin, in the county of McHenry, in this state, is hereby authorized and empowered to increase the amount of its capital stock to seventy-five thousand dollars, to be divided into shares of the same amount and subscribed for and paid in the same manner as the original stock of said company was divided and paid, or in such other manner as the board of directors of said company shall direct.

Railroad.

§ 2. Said company shall have the power to construct and maintain a railroad, from some convenient point on the Chicago, St Paul and Fond du Lac railroad, to such convenient point, on or near the bank of Crystal lake, as may be necessary to accommodate said company in its business of cutting, storing and transporting ice: *Provided*, said railroad shall not be more than five miles in length. And in the construction and management of such railroad, and in con-

demning the right of way therefor, said company shall be governed by the laws and enactments regulating the manner in which the Chicago, St. Paul and Fond du Lac Railroad Company are authorized to proceed in the construction and management of its railroad, so far as the same is applicable.

§ 3. Said company is hereby authorized to collect subscriptions on its capital stock, and to liquidate and pay all debts and claims against it and control and manage its property and franchises as fully and effectually as it could do by virtue of the provisions of the act under which it was originally incorporated. Subscriptions.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend the act entitled "An act to incorporate the Addison Farmers' Mutual Insurance Company," approved February 15th, 1855. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said act be so amended that any person applying for insurance in this company may, in lieu of the premium note required in section seven of the charter of said company, pay a cash premium of such sum or sums as may be fixed upon by the directors of said company for the class of property to be insured; and the persons so electing to pay such cash premium shall be exempt from the liabilities to which other members of said company are subjected, and shall not be entitled to any of the profits or emoluments arising from the operations of said company. Cash premium.

§ 2. All the moneys received from persons electing to pay a cash premium, in lieu of a premium note, shall be applied to the payment of the losses and expenses of the company, the same as other receipts; and all losses accruing upon policies issued to persons so electing shall be assessed upon the premium notes held by said company, as is provided in other cases by the charter of said company. Cash premiums.

§ 3. So much of the act to which this is an amendment as is inconsistent with this act, be and the same is hereby repealed. Act repealed.

§ 4. This act to take effect from and after its passage.

APPROVED February 24, 1859.



In force Feb'y AN ACT to amend an act entitled "An act to incorporate the Chicago Marine and  
4, 1859 Fire Insurance Company."

Capital stock.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Chicago Marine and Fire Insurance Company are hereby authorized to increase the capital stock of said company, from time to time, to an amount not exceeding five hundred thousand dollars, in the discretion of a majority of the directors of said incorporation, in addition to the amount to which the same is authorized to be increased by the 4th section of the act to which this is an amendment. Said stock to be subscribed for and taken under the direction and superintendence of the directors aforesaid, or a majority of them, in such manner as they may prescribe.*

APPROVED February 4, 1859.

In force Feb'y AN ACT to amend an act entitled "An act to incorporate the City Mutual Insur-  
19, 1859. ance Company of Alton, Illinois," approved February 12, 1853.

Name changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the name and style of the City Mutual Insurance Company of Alton, Illinois, and located at Alton, Illinois, be and the same is hereby changed to "Alton Mutual Insurance and Savings Company;" and under such last name and style shall enjoy all the rights, privileges and franchises possessed and enjoyed by said company, under such act of incorporation, approved February 12th, 1853, to which this act is amendatory, and all the rights, franchises and privileges granted by this act.*

Insurance.

§ 2. *The said company shall have power to make all kinds of insurance against fire; to receive money, bullion or other valuable commodities, on deposit; to borrow and loan money, to buy and sell gold, silver, gold dust, bullion, drafts, bills of exchange, bonds, notes and other instruments in writing; to allow interest on money deposited; to invest their capital stock or surplus funds in such manner as the directors shall deem for the interests of the company; to allow interest on money borrowed; to transfer from place to place gold dust, gold and silver coin and bullion, for emigrants and others; to create, appoint, employ and establish such officers, agents and servants, as the directors shall deem necessary to carry on the business of said company, and to determine the duties and compensation of same.*

Capital stock.

§ 3. *The capital stock of said company may be increased, from time to time, as a majority of the directors thereof shall determine, to any amount deemed by them advisable, not exceeding five hundred thousand dollars; and the direc-*

tors of said company shall have power to prescribe, by by-laws or otherwise, the manner and terms of subscription to said additional stock, the terms and manner of calling in and collecting installments on both new stock and old, to declare the amount of dividends and manner of their application and payment; to determine the proper adjustment of the respective rights and interests of new and old stockholders, and to institute all other needful regulations for the successful prosecution of the general business of an insurance and savings company.

§ 4. Married women and minors may, in their own names, and without their husbands' or guardians' consent, deposit money with said company, and receive certificates therefor in their own names, and which deposits shall be subject to their order only. Married women and minors.

§ 5. It shall be lawful for said company to purchase and hold such personal and real estate as may be convenient for the transaction of its business; to have and to hold any real or personal estate on security, or on mortgage, or on pledge, or by deed of trust, to secure the payment of loans or debts, due or to become due to said corporation or company; to purchase real or personal estate, at any sale made in virtue of any loan or debt made in favor of said company, and to receive and take in satisfaction of any loan or debt, made in favor of said company, any real or personal estate, and to hold, sell and convey any such real or personal estate, at pleasure. Property.

§ 6. This act is hereby declared a public act, and shall take effect from and after its passage: *Provided*, it shall not be binding on the present stockholders of the "City Mutual Insurance Company of Alton, Illinois," until accepted by the stockholders of said company, in writing; which acceptance shall be recorded in the recorder's office of the city of Alton. Public act.

§ 7. Any portion of the said act of incorporation, approved February 12th, 1853, which conflicts with this act, is hereby repealed. Repeal.

APPROVED February 19, 1859.

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AN ACT to change the name of the Franklin Marine and Fire Insurance Company, and to amend the same. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the name of the "Franklin Marine and Fire Insurance Company," to be established in the city of Alton, be changed to "Alton Savings Institution and Insurance Company:" Name changed.

*Provided*, that the Alton Savings Institution and Insurance Company shall take the place of and be liable for all the debts and liabilities of the said Franklin Marine and Fire Insurance Company, in the same manner and to the same extent as the said last mentioned company would have been liable for, in case this act had not passed.

Proviso re-  
pealed.

§ 2. That the proviso in the fourth section of said act, viz: "that no stockholder shall be allowed more than twenty votes" at election of officers, be and the same is hereby repealed, and that hereafter every stockholder be allowed to cast one vote for every share of stock that he may hold or has been transferred to him on the books of the company at least twenty days before any such election.

§ 3. This act shall take effect from and after its passage.  
APPROVED February 24, 1859.

In force Feb'y 21, 1859. AN ACT to incorporate the German Insurance and Savings Institution of Quincy, Illinois.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Henry A. Geise, Anton J. Lubbe, Henry F. Cramer, George J. Laage, John Vogelphol, Anton Lampe, Christian Bostadt, Frederick Wellman and Hermann Einhaus, and all such other persons as shall hereafter become stockholders in the corporation hereby created, shall be a body corporate and politic, by the name and style of "The German Insurance and Savings Institution," to be located in the city of Quincy, state of Illinois, and by that name have succession and continuance for the term of twenty-five years from and after the passage of this act; and shall have power to adopt a common seal, alter or renew the same at pleasure; and, in that name, shall transact its business, and have succession; may sue and be sued, prosecute and defend in all courts of justice, within this state, of competent jurisdiction; and to enact and execute such by-laws and regulations as they may think and deem proper for the control and well ordering of said institution.

Capital stock.

§ 2. The capital stock of said institution shall not be less than fifty thousand dollars, and may, at any time hereafter, be increased, at the pleasure of said institution, to any sum not exceeding six hundred thousand dollars, and shall be divided into shares of one hundred dollars each. And every subscriber to said capital stock shall pay into the treasury of said institution, at the time of subscribing, an installment of one per cent. on each and every share of stock by him or them subscribed, and shall, at the time of organ-



ization, when the whole amount of stock has been subscribed, secure the payment of the remaining ninety-nine dollars on each share so subscribed by him or them, by a deed of trust, with notes, secured [by] unincumbered real estate in the county of Adams, state of Illinois.

§ 3. The stock of this corporation shall be deemed personal property, and the transfer shall be valid while the holder is indebted to the corporation. The mode of transferring the stock and the forms of policies, orders, receipts, certificates or other papers, to be used by the corporation, shall be regulated and determined by the by-laws of the same. Transfer of stock.

§ 4. The above named incorporators, or a majority of them, may open books, at such time and place in the city of Quincy, for subscriptions to the capital stock of said institution, as they may appoint, not exceeding two years from the passage of this act, by giving five days' notice, in one or more of the daily papers published in said city, that such books will be opened to subscribers to the capital stock of said institution, and that they will remain open until the amount of fifty thousand dollars shall be subscribed, when the stockholders will organize the company, by choosing nine directors, who shall hold their office until the first Monday of January next succeeding the organization of the company, and until their successors are elected and qualified. And on the first Monday of January, in each year, during the continuance of the corporation, an election shall be held at the city of Quincy, to elect nine directors of said institution, and shall hold their offices until the next annual election and until their successors are elected and qualified. Opening books.

§ 5. At all elections for directors each shareholder shall be entitled to one vote per share held and owned by him or them, and all stockholders must vote in person. No person shall be eligible to the office of president or director of said corporation who is not a stockholder in said institution and a citizen of the United States, and a resident of the city of Quincy. Directors.

§ 6. The board of directors shall have power to fill any vacancy that may occur in their own body, a plurality of votes constituting a choice; and a majority of the board present shall constitute a quorum for the transacting of business. They shall also choose, in the same manner, previous to the annual election of directors, three inspectors of such election, whose duty it shall be to canvass the votes cast thereat and declare the result. The said inspectors shall also be judges of the qualifications of voters. No person shall be chosen an inspector who is not a stockholder in said institution. Powers of directors.

§ 7. The directors, when chosen, shall choose a president. They also shall have power to appoint a secretary and treasurer, and all such other officers and agents, (who Officers.

shall hold their offices during the pleasure of the board,) as they may think necessary, and define their duties, determine their compensation, and require such security for the faithful performance of their duty as shall be deemed proper.

Subscriptions  
to be secured.

§ 8. The directors, when they have chosen their officers, may declare the company organized, proceed to call on the stockholders to have the balance of their subscriptions secured on unincumbered real estate, by deed of trust. And when so secured the company may proceed to make insurances, as is provided herein. And when any stockholder shall have paid in full the amount of stock by him or them subscribed in said institution then the president and secretary shall reconvey to each stockholder the property so secured by said deed of trust or acknowledge satisfaction thereof upon the record.

Insurance.

§ 9. The corporation hereby created shall have power to make all kinds of insurance against fire, and to make marine insurance upon vessels, boats and water craft employed in inland, lake, river, ocean or canal navigation, and upon all goods, wares, merchandise, produce or property transported thereon, or otherwise, and upon freight, bottomry respondentia, interest, and upon all ocean, lake, river or inland navigation, risks of every kind.

Policies.

§ 10. All policies of insurance or other engagements shall be signed by the president and countersigned by the secretary, with or without seal, and shall be binding upon the corporation; and all such assured may, thereupon, in cases of loss arising, maintain an action of debt [or] covenant against said institution.

Calls.

§ 11. And in cases of losses, or any time when an installment to open the savings institution, the board of directors shall have power to call in an installment of the capital stock, at such times as they shall deem advisable, by giving thirty days' notice in some paper published in the city of Quincy; and every person who does not pay in said installment of his stock, so called on as above, within ten days after the last day of publication, or who shall neglect or refuse to pay said installment, so called in by the board of directors, the residue of each share by him or them subscribed to the capital stock, shall be forfeited to said institution, together with all payments made thereon, and all profits that may have accrued thereon.

Mutual insur-  
ance.

§ 12. This corporation may conduct its insurance business, in part or entirely upon the principle of mutual insurance, if preferred by the stockholders and directors: *Provided*, all risks are assessed at their cash value of hazards taken, and the premium shall be paid in cash or its equivalent at the time the policy is issued.

By-laws.

§ 13. The directors of said institution shall, at their first meeting and at the time of their organization, adopt such by-laws, rules and regulations, by which the corporation and

members shall be governed, and may alter and amend the same at any subsequent meeting: *Provided*, such by-laws, rules and regulations be not inconsistent to the laws and constitution of this state or of the United States.

§ 14. When the stockholders, at any time hereafter, during the term of this incorporation, wish to open the savings institution, an election shall be held at the annual election for that purpose, whether for savings or against savings; and when a majority of the stockholders have voted for savings the directors shall call in an installment of nineteen per cent. of the capital stock, notice of which will be given in section 11. Savings insti-  
tution.

§ 15. This corporation shall have power to perform the duties and functions of a savings institution; also, may purchase, hold and convey any estate, real or personal, for the use of said institution, receive deposits of money, bullion or other valuable commodities, and give certificates for the safe keeping and return of the same; also, for remittances or investments; and may loan or invest its own funds and those of other persons, and on their accounts, when desired to do so; to deal in exchange, and to pay on money deposited and receive on money loaned a rate of interest, not exceeding the rate now lawful to be charged by agreement of the parties on money loaned; and to do and perform all such other trusts as may be required and charge and receive therefor such compensation or commission as may be agreed upon: *Provided*, that said institution shall open and keep a separate account, called savings, deposits and trusts account, in which it shall enter all savings, deposits and trust funds, whether for remittance or investment; and all charges for commission, interest or compensation, paid or received, shall be entered in the same account: *And provided, further*, that said institution shall not, in any case, use any portion of such savings, trust funds or deposits in the payment of any loss or losses arising from insurances: *And provided, further*, that all such funds or valuable commodities shall not be paid out or removed from such deposit, except on the order of the president of said institution, countersigned by the secretary, or a return of the receipt or obligation given to such depositor. Powers.

§ 16. The real and personal property of each individual stockholder shall be liable for any and all liabilities of losses of the company, to the amount of stock subscribed by him and not actually paid in; in all cases of losses exceeding the means of the corporation. Liability.

§ 17. It shall be the duty of the president and directors to make out a complete and perfect statement of the condition and affairs of said institution, and report the same to the stockholders, at the annual election in each year, and to make such dividend as they think best from the profits arising from the business of said institution; but any premium Statement.



received shall not be counted as profit until the risk for which it was taken shall have expired.

§ 18. This act shall take effect and be in force from and after its passage, and be liberally construed by the courts of justice in this state.

APPROVED February 21, 1859.

In force Feb'y  
21, 1859.

AN ACT to incorporate the Illinois Insurance Company.

Name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be established in the city of Beardstown an insurance company, to be called "The Illinois Insurance Company."

Body politic.

§ 2. All such persons as shall hereafter be stockholders of said company shall be and they are hereby declared to be a body corporate and politic, by the name and style of "The Illinois Insurance Company;" and to continue fifty years, from and after the passage of this act; and by that name and style shall be competent to contract and be contracted with, and be capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever.

Seal.

§ 3. The said corporation may have and use a common seal, which they may alter, change or break at pleasure; and may, also, make and establish and put into execution such by-laws, ordinances and regulations as shall in their opinion be necessary for the good government of said corporation and the prudent and efficient management of its affairs. No by-laws, ordinances or regulations of the same shall be in anywise contrary to the constitution and laws of the United States or of this state.

Capital stock.

§ 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; to be paid in such installments as the directors chosen under this act may, from time to time, direct, under such penalties as the president and directors may, in their discretion, appoint and order. The capital stock may hereafter be increased to an amount, not exceeding five hundred thousand dollars, in the discretion of a majority of the directors of said corporation, to be subscribed for and taken under the direction and superintendence of the president and directors aforesaid, or by any person or persons duly appointed by a majority of said directors, in the same manner as is provided for the subscription to the original capital stock. The stock of said incorporation shall be assignable and

transferable, according to such rules as shall be adopted in that behalf, by the by-laws and ordinances thereof.

§ 5. The corporation hereby created shall have power and authority to make marine insurance upon vessels, goods and merchandise, freights, moneys transmitted by mail or otherwise, bottomry, respondentia, interest and on all risks and inland navigation and transportation, and against all losses by fire of any building or houses whatsoever, and vessels on the stocks; and also to receive moneys on deposit, and to loan the same on bottomry and respondentia, or otherwise, at such rates of interest as may now or hereafter be done by the existing laws of this state; and they may, also, cause themselves to be reinsured against any marine risks upon which they may have made insurance and upon the interest which they may have in any vessels, goods or merchandise or houses, in virtue of any such insurance, whether on bottomry, respondentia, or otherwise, on such terms or conditions as may be agreed upon by the parties, and to fix the premiums and times of payment. Insurance.

§ 6. All policies of insurance by them made shall be subscribed by the president, or, in case of his death or absence, by the vice president, and countersigned by the secretary of said company; and all losses arising under any policies so subscribed and countersigned, may be adjusted and settled by the president and board of directors. Policies.

§ 7. The said corporation shall not take any risk nor subscribe any policy, by virtue of this act, until one-tenth part of the capital stock thereof shall have been actually paid in. The said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares or merchandise whatsoever; but the president and directors may, at their option, vest the capital stock of said corporation in the stock of any incorporated bank, trust company or public funds of the United States or any state in the Union. They shall have power, also, to loan to any citizen of this state any portion of the capital stock, not exceeding ten thousand dollars to one individual, on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion, at such rates of interest or discount, according to bank usages of discount, as any individual is now or may hereafter be authorized to loan by contract. Risks.

§ 8. The said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business, and an amount not at any time exceeding thirty thousand dollars and to take and hold any real estate or securities, mortgaged or pledged, of the said corporation, to secure the payment of any debts due or to become due to it, and also to purchase on sales made by virtue of any judgment, at law or any decree of a court of equity, or otherwise; to take and receive any real estate in payment or towards satisfaction of any debt previously contracted or Real estate.

due to the corporation, and to hold the same until they can conveniently and advantageously sell and convert the same to money or other personal property, and to sell and convey said real estate or any part thereof: *Provided*, the said corporation shall be compelled to offer, in good faith, the said real estate, once in every five years, at public auction, to the highest bidder.

Commissioners.

§ 9. Charles Sprague, Christopher H. C. Havekluft, Henry E. Dummer, William H. Smith, Erasmus D. Hewes and James P. Law, are hereby appointed commissioners for superintending subscriptions to said capital stock; and the said commissioners, or a majority of them, shall open one or more subscription books in the city of Beardstown and such other places as they may think proper, at any time and place, by giving twenty days' notice of the time and place, in a newspaper published in the city of Beardstown; and the sum of two dollars on each share subscribed for shall be paid to said commissioners, at the time of making such subscriptions. The books may be closed, whenever the whole of said stock shall be subscribed; and whenever a board of directors shall be duly elected the said commissioners shall deliver over to said board the whole amount of money by them respectively or jointly received, except so much as shall be retained for the expenses incurred by them in executing the duties imposed on them by this act.

Vacancies.

§ 10. In case of the death, resignation or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for any three of them to form a quorum, and proceed to business, whose duties shall be the same in the premises as those prescribed to the whole of said commissioners by this act of incorporation named, and their acts as such shall be legal.

Directors.

§ 11. The stock, property and concerns of said incorporation shall be managed and conducted by five directors, who shall be chosen by the stockholders of said company, under the superintendence of the commissioners, or a majority of them, and who shall hold their offices for one year, unless others shall be chosen before the expiration of that time, and who shall, at the time of their election, be citizens of this state, and holders, respectively, of not less than ten shares of the capital stock of said company.

Elections.

§ 12. The directors, for every subsequent year, shall be elected on the first Monday of May, in each year, and at such time of the day and at such place, within the city of Beardstown, and under the direction of such persons, as a majority of the directors, for the time being, shall appoint, by a resolution, to be entered on their minutes.

§ 13. All elections shall be by ballot, allowing one vote for each share of the capital stock, and the five persons who shall have the greatest number of votes shall be directors; and if, at any election two or more persons shall have an



equal number of votes, so as to leave their election undecided, then the directors who have been duly elected shall proceed to ballot, and, by a plurality, determine which of said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number; and whenever any vacancy shall happen for the office of president, vice president or director, from death or other cause, such vacancy shall be filled, for the remainder of the year in which it shall happen, by the directors, for the time being, or a majority of them. The said commissioners, as provided for by this act, to superintend elections, shall certify, under their hands and seals, the persons elected, and deliver such certificates to the persons so elected or to some one of them; and if, through any unavoidable accident, said directors shall not be chosen on the first Monday as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.

§ 14. The directors, when chosen, shall meet, as soon as may be, after every election, and shall choose out of their number a president, who shall be sworn or affirmed faithfully to discharge the duties of the office, and shall preside for one year and until another person is chosen in his stead, and also a vice president, for the same time. They shall have power to appoint a secretary and all subordinate officers of said corporation, fix their compensation, define their powers and prescribe their duties, who shall give such bonds, and in such penal sums, with such conditions, and with such securities, as the directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors. Officers.

§ 15. The president or vice president and two of the directors shall be competent to the transaction of business; and all questions shall be decided by a majority of votes. Quorum.

§ 16. The president and directors of said company shall, previous to subscribing any policy, and once in each year, publish in one of the newspapers printed in this state the amount of their capital stock. Statement.

§ 17. It shall be the duty of the directors of said company at such times as the by-laws thereof shall prescribe to make dividends of so much of their interest and profits arising from the capital stock of said company, as to them shall appear advisable; and in case of any losses or loss, whereby the capital stock of said company shall be lessened, before all installments are paid in, each proprietor's or stockholder's estate shall be held accountable for the installments that remain unpaid on his or her share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made until the sum arising from the profits of the business or additional installments on the capital stock shall be paid said company, equal to such diminution. And once Dividends.

in every three years, and oftener, if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

§ 18. This act shall take effect from and after its passage, and shall be liberally construed for every purpose therein contained.

Banking.

§ 19. Nothing in this act contained shall confer on said corporation the privilege of issuing notes similar to bank notes, for the purpose of a circulating medium, but nothing herein shall be so construed as to prohibit buying and selling bills of exchange.

Losses.

§ 20. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of stockholders, as aforesaid, shall be liable for any losses, equal to the amount of said capital stock subscribed and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in or profits not divided.

Stock personal property.

§ 21. The stock in this corporation shall be deemed personal property, and no transfer shall be valid while the holder is indebted to the corporation.

Borrow money.

§ 22. The said company shall have power to borrow money or receive money on deposit and pay interest thereon, and to loan the said money, at any rate of interest, not exceeding that now allowed by law to individuals, or to discount, in accordance with bank usage, and, in the computation of time thirty days shall be a month and twelve months a year, taking such security therefor, either personal or real, as the directors or managers of said corporation may deem sufficient; may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons or by the order and direction of any court or tribunal or other legal constituted authority of the state of Illinois; may make such special regulations, in reference to trust funds, deposits or savings left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed on; may grant and purchase annuities, issue letters of credit and other commercial obligations: *Provided*, the same shall not

be in the similitude of bank notes or other evidences of debt, designed to circulate as money.

§ 23. This company shall be subject to all the provisions of any general laws now in force or hereafter enacted, except as specifically limited by the provisions of this act. General laws.

APPROVED February 21, 1859.

AN ACT to amend an act, approved February 11, 1857, entitled "An act to extend and amend the charter of the La Salle County Mutual Life Insurance Company." In force Feb'y 23, 1859.

Whereas an error occurred in the title of said act, hereby amended, by the substitution of the word "Life" for the word "Fire," in the title of said act; now, therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the title of the said act be so amended as to read "An act to extend and amend the charter of the La Salle County Mutual Fire Insurance Company." Amendment.

§ 2. Section twelve of said act is hereby so amended as to require only the assent of a majority of all the members of said company present and voting at the first annual meeting of the stockholders of said company, after the passage of this act; at which time this act, and the act to which this is an amendment, shall be submitted to such members for approval; and if a majority of the members then present and voting shall approve of the same, it shall be binding upon all the members of said company, and become part of the organic law of said incorporation.

§ 3. This act shall take effect from and after its passage.

APPROVED February 23, 1859.

AN ACT to amend an act entitled "An act to incorporate the Peoria Mutual Fire and Marine Insurance Company," approved February 15, 1855. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the "Peoria Mutual Fire and Marine Insurance Company" be and is hereby changed to and the said corporation shall hereafter be known by the name and style of the "Peoria City Fire and Marine Insurance Company." Name changed

§ 2. That the capital stock of said company may be increased, in the discretion of a majority of the directors, to any sum, not exceeding five hundred thousand dollars; and Capital stock.



that said capital stock shall be divided into shares of one hundred dollars each, five per cent. of which shall be paid, in cash, at the time when the same shall be subscribed, and the balance thereof secured, to the satisfaction of the directors of said company.

Organization.

§ 3. That so much of the act to which this is an amendment, as requires the corporators to organize said company within six months after its passage, be and is hereby so changed that said company may be organized, as prescribed in said act, at any time within two years from and after the first day of January, A. D. 1859.

Repeal.

§ 4. That so much of the act to which this act is an amendment, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

APPROVED February 24, 1859.

In force Feb'y 19, 1859. AN ACT to change the name of the Putnam County Mutual Fire Insurance Company, and to authorize the directors to change the location of the home office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the corporation mentioned in the act incorporating "The Putnam County Mutual Fire Insurance Company" be and the same is hereby changed to "American Insurance Company;" by which name it shall hereafter be known.

Home office.

§ 2. The home office of said company may, by the consent of the directors, be removed to Freeport, in the county of Stephenson; and any thing required by said act to be done at Granville, in the county of Putnam, shall be binding, if done at Freeport, in the county of Stephenson.

Liabilities.

§ 3. The change in the name of said company shall not release said company from any of its liabilities or contracts already made.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y 24, 1859.

AN ACT to incorporate the St. Clair Savings and Insurance Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Kircher, Frederick Moehlmann, Simon Eimer, Theodore Engelmann, Ferdinand Braun, Samuel B. Chandler, Samuel Stookey, Ausberry Harrison, George L. Neuhooff, Philip H.

Postel, George C. Eisenmayer, William Kellermann, Frederick H. Pieper, John Klug, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The St. Clair Savings and Insurance Company;" and shall have succession, a common seal, the power in law and in equity of suing and being sued, of pleading and being impleaded, contracting and being contracted with; of appointing all necessary officers, clerks, and agents, and shall have and enjoy all the powers necessary to carry out and execute the purposes and intent of a savings and insurance company.

§ 2. The capital stock of said company shall be fifty thousand dollars, and may be increased, by a resolution of the board of directors of said company, to any amount, not exceeding five hundred thousand dollars, to be subscribed and paid for in manner hereinafter provided, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of the company, in such manner as its by-laws may prescribe. Capital stock.

§ 3. The said company shall have power to borrow money and to receive money on deposit; to pay interest thereon, and to loan money at any rate of interest, not exceeding that allowed by law to individuals; and to discount, in accordance to bank usage; to take such security for their loans, either in real or personal estate, as the directors may deem sufficient; to buy and sell exchange, bills, notes, bonds and other securities for the payment of money: *Provided*, the same shall not be designed to circulate as money. Borrow money.

§ 4. The said company shall have power to issue policies of insurance against loss and damage by fire on houses, stores and all other buildings, and on personal property of all descriptions, and to do and perform all necessary acts and things connected with these objects or any of them. Policies.

§ 5. The said company shall have power to purchase and hold all such real and personal estate as may be convenient for the transaction of its business, and to take and hold any real estate as security for or in payment of loans and debts due or to become due to said company; to purchase real estate at any sale made in virtue of any loan, debt, mortgage or deed of trust made to or held by said company, and to hold such real estate or to sell and convey the same or any part thereof to any other person or persons, at such price and under such conditions as the directors may think proper. Property.

§ 6. The affairs of [the] said company shall be managed by a board of directors of nine persons, who shall be stockholders in the same; they shall be elected by the stockholders of the company. The first election shall take place when fifty thousand dollars of capital stock shall be sub- Director

scribed and ten per cent. paid thereon. Any three of the corporators herein named shall be commissioners to open books for the subscription of stock, which shall be done within twelve months after the passage of this act. The money so received by the said commissioners shall be paid over to the directors, when elected. The directors shall be elected annually, and shall hold their office until their successors are elected and organized; they shall elect from their own body a president, who shall perform such services and have such powers as shall be conferred on him by the by-laws of said company; any vacancy in the board may be filled by the directors, and, in the absence of the president, a president *pro tem.* shall be elected. The board of directors shall make and execute such by-laws as may be convenient or necessary for the proper prosecution of the business of the company, not inconsistent with this act or with the laws of this state or the United States, and all the acts of the duly appointed officers and agents of the company, done and performed under authority of the by-laws, shall be binding on the company.

Election.

§ 7. The election of directors shall be by ballot, and shall be held at the office of the company, and all the stockholders shall have at least ten days' notice of the time of such election. Every ballot shall contain the name of the voter and the number of his votes, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of capital stock standing in his name on the books of the company, and he may vote in person or by proxy. No stockholder shall be entitled to vote, who is in arrear to the company with the payment of the capital stock called for and due at the time of the election.

§ 8. After the election of directors, as aforesaid, the company may commence its business in the full enjoyment of the privileges of this act, at such place in the city of Belleville as the directors may designate.

Calls.

§ 9. The directors shall have power to call for the payment of the balance of the capital stock at such time and in such rates as they may deem proper, and if any stockholder shall fail to pay the same, according to such call, within sixty days after being notified so to do, it shall be lawful for the directors to enforce the payment thereof by suit, or to sell the stock of such non-paying stockholder at public auction to the best advantage, and the proceeds of such sale, after deducting the expenses thereof, shall be paid over to such non-paying stockholder, who shall thereby cease to be a stockholder in the company; and the purchaser at such sales shall become stockholders in the said company, and shall have and enjoy all the privileges and profits accruing or accrued to the shares of stock by them purchased, and become liable for the payment of all calls then due or thereafter made on said shares of stock.



§ 10. The board of directors shall have power to declare Dividends. dividends on the stock of the company at any time after the accumulation of profits shall exceed five per cent. on the amount of capital stock actually paid in; but in no case shall the amount of any dividend be paid over to any stock holder until he has paid twenty-five per cent. of his subscription to the capital stock of the company.

§ 11. Any minor or married woman shall have the right Minors and married wo- men. to deposit money with said company in his or her name, and such deposits shall not be transferable, but shall be paid only to the depositor, or, in case of death, to his or her administrator or next of kin.

§ 12. This corporation shall exist for the term of fifty Time. years from the day of the passage of this act, and shall be entitled to use all its corporate powers for two years thereafter, for the purpose of closing up its affairs.

§ 13. All the stockholders of the company incorporated Liability. under this act shall be severally individually liable to the depositors with and creditors of the company, to an amount equal to the amount of stock held by them respectively, for all deposits made with and debts and contracts made by the company, and such personal liability shall continue for the time of two years from the sale or transfer of such stock by any stockholder; but no stockholder shall be personally liable for the payment of any deposits made with or debts contracted by the company formed under this act, unless a suit for the collection of such deposit or debt shall be brought against the company within one year from the time the same may be due or become due; and no suit shall be brought against any stockholder, who shall cease to be a stockholder in the company, for any deposit or debt contracted by said company, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

§ 14. This act shall be in force from and after its passage.

APPROVED February 24, 1859.

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AN ACT to amend an act entitled "An act to incorporate the Waukegan Mutual Insurance Company," approved February 2d, 1853. In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said Directors. Waukegan Mutual Insurance Company is hereby authorized to reduce the number of its directors to five persons. The said five directors to be elected in the same manner and

possess the same qualifications and powers as are conferred on directors of said company by the act to which this is amendatory.

Open books.

§ 2. The said company is hereby authorized to open books and receive subscriptions for capital stock to the amount of two hundred thousand dollars, or for such less amount as said board shall deem proper; which said stock shall be divided into shares of one hundred dollars each. The said books shall be opened, under the direction of said board of directors, at such times and places as they shall determine; and the persons subscribing therefor shall pay, at the time of making such subscription, five per cent. of the amount so subscribed by them, respectively. Said board of directors shall also have power to fix, by resolution or otherwise, prior to the opening of said books for subscription to capital stock, the time and manner in which said subscription, except the five per cent. to be paid at the time of subscribing, shall be paid or the payment thereof secured.

Loans.

§ 3. In loaning or investing its funds, said company shall be entitled to stipulate for and receive the same rates of interest which by law may be agreed for and received by individuals.

Acts legalized.

§ 4. All the acts and doings of said company, in the organization thereof and in the opening of its books and receiving subscriptions to its capital stock, are hereby legalized; but nothing herein contained shall be held to impair any private right or defence against said company, by reason of any irregularity in its organization or proceedings.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y  
14, 1859.

AN ACT to change the name of the Woodstock Insurance Company.

Name changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to establish the Woodstock Insurance Company," approved February 12, 1853, be so amended that wherever the words "Woodstock Insurance Company" occur in said act, that the same be stricken out, and the words "Western World Insurance and Trust Company" are hereby substituted therefor: *Provided*, that nothing herein contained shall release the said company from any obligations created by it or due from it by its former name.

Proviso.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1859.

AN ACT to incorporate the Chicago Loan and Trust Company.

In force Feb'y  
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Stephen F. Gale, William Blair, Walter S. Gurnee, H. A. Tucker, N. W. Higgins, Martin O. Walker, Edmund D. Taylor, Edward R. Rogers, Marcus C. Stearns, L. P. Hilliard and Benjamin F. Carver, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of "The Chicago Loan and Trust Company," and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a loan and trust company. Corporators

§ 2. The capital of the said company shall be one million dollars, with power to increase the same to three millions of dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and shall be transferable on the books of the said company, in such manner as its by-laws may prescribe. Capital stock.

§ 3. The said corporation shall have power to borrow money, and receive money on deposit, and pay interest thereon, and to loan the said money at any rate of interest not exceeding that now allowed by law to individuals, and to discount in accordance with bank usage, (and in the computation of time, thirty days shall be a month, and twelve months a year,) and to take such security therefor, either real or personal, as the trustees or managers of said corporation deem sufficient, and may buy and sell exchange, bills, notes, bonds or other securities, may have and hold coin and bullion, may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order and direction of any court or tribunal or other legally constituted authority of the state of Illinois or of the United States, may make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping as shall best aid the said depositors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor not greater than that hereinbefore specified, as may be agreed on; may grant and purchase annuities, issue letters of credit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt designed to be circulated as money. Powers.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate in trust, or otherwise, as security for or Real estate.



in payment of loans and debts due or to become due to the said company; to purchase real estate at any sale made in virtue or on account of any loan, debt or mortgage or trust made to or held by the said company, and to receive and take in satisfaction of any such loan or debts, any real estate and to hold or convey the same.

Trustees.

§ 5. The affairs of this company shall be managed by a board of trustees, of at least nine in number, who shall be stockholders in the company to the extent of at least ten thousand dollars each. The election of such trustees shall be had by the stockholders when five hundred thousand dollars shall have been subscribed to the capital of said corporation and twenty per cent. paid thereon. Any three of the corporators, herein named, shall be commissioners to open books for subscription, which shall be done within ninety days from and after the passage of this act. The money so received by the commissioners shall be paid over to the trustees. When elected, the trustees shall elect a president from their own body, annually; make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of the company, not inconsistent with this act, or with the laws of this state or of the United States; but no by-laws of this corporation shall be passed without the consent of a majority of the trustees; and all the acts of the duly appointed officers and agents of this company, done and performed under the authority of the by-laws, shall be binding on the company.

Election.

§ 6. The election of trustees of this company shall be held annually at the office of the company, and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for trustees shall be by ballot, and the name and number of shares owned by each stockholder, shall be indorsed on the ballot, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of capital stock standing in his or their name on the books of the company, and he may vote in person or by proxy. Any omission or failure to elect trustees shall not impair in any wise the rights of stockholders, depositors or others interested.

Calls.

§ 7. Within sixty days after the election of the first board of trustees, as provided for in section five of this act, the board of trustees shall call in an additional sum of thirty dollars per share of said stock, to be paid at such time and place as the trustees shall appoint; on due notice to said subscribers the shares of every stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon. After the payment of twenty dollars per share on the amount subscribed, as provided in the foregoing section, the said company shall be considered fully organized, and after the payment of fifty dollars per

share on the whole number of shares subscribed to the capital stock of this company, making up the whole amount of at least two hundred and fifty thousand dollars actually paid in, the company may commence its business in the full enjoyment of the privileges of this charter, at such place in the city of Chicago as the said board of trustees shall direct.

§ 8. The board of trustees shall have power to call for the payment of the balance due on the subscriptions to the stock of this company at such times as they may deem proper, and in the event of the nonpayment of the balance due by any stockholder on his stock within sixty days after due notice, it shall be lawful for the trustees, at their option, to enforce such payment, or to sell by public auction to the best advantage, the amount of stock standing in the name of the said nonpaying stockholder, to any person or persons, and the proceeds of said sale shall be paid over to said nonpaying stockholder, who shall thereupon cease to be a stockholder in this company, and the purchaser or purchasers of said shares of stock shall have and enjoy all the privileges and profits accruing or accrued to the said shares of stock, and become liable for the payment of all calls then due or thereafter made on such shares of stock.

Nonpayment.

§ 9. The board of trustees shall have the power to declare dividends on the stock of the said company, from time to time, and at any time after the accumulation of the profits of said company shall exceed five per cent. on the amount of capital actually paid in, provided said dividends shall not reduce the surplus of profits of the company below five per cent. on the amount of capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder on his or their stock until the amount of fifty dollars per share has been paid into the said company.

Dividends.

§ 10. At any time after the full payment of the original capital of one million of dollars into the company, as hereinbefore provided, the board of trustees may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increase shall be subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock *pro rata*, within such time as the trustees may limit, of which due notice is to be given.

Increase of capital stock.

§ 11. That any real estate acquired in fee by this corporation, and not held in trust or as security, other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than five years, and shall, within that time, be sold and conveyed, either at public or private sale, so as to divest the said corporation of the title to and fee in the same.

Real estate.

§ 12. The stockholders in this corporation shall be holden to the creditors thereof, for the amount of capital stock each shall hold in the same.

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the Phoenix Savings, Loan and Trust Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edward M. Thorp, William W. Orme, Solomon F. Lewis, Leonard Sweet, Asa H. Moore, Henry Wells, William Fargo, Danforth N. Barney, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic, by the name and style of "The Phoenix Savings, Loan and Trust Company," and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a savings, loan and trust company.

Capital stock.

§ 2. The capital of the said company shall be one hundred thousand dollars, with power to increase the same to one hundred thousand dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books of said company in such manner as its by-laws may prescribe.

Powers.

§ 3. The said corporation shall have power to borrow money and receive money on deposit, pay interest thereon, and to loan the said money at any rate of interest not exceeding that now allowed by law to individuals, and to discount in accordance with bank usage, (and in the computation of time, thirty days shall be a month and twelve months a year,) and to take such security therefor, either real or personal, as the trustees or managers of said corporation may deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person or persons, or by the order or direction of any court or tribunal or other legally constituted authority of the state of Illinois or of the United States; make such special regulations in reference to trust funds or deposits left for accumulation or safe keeping as shall best aid the said deposi-



tors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed on; may grant and purchase annuities, issue letters of credit and other obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt designed to circulate as money.

§ 4. It shall be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient for the transaction of its business, and to take and hold any real estate, in trust or otherwise, as security for or in payment of loans and debts due or to become due to the said company; and to receive and take, in satisfaction of any such loan or debts, any real estate, and to hold and convey the same. Real Estate

§ 5. The affairs of this company shall be managed by a board of trustees of [at] least five in number, who shall be stockholders in the company. The election of such trustees shall be had by the stockholders, when fifty thousand dollars shall have been subscribed to the capital of said corporation, and twenty-five per cent. paid thereon; and three of the corporators herein named shall be commissioners to open books for subscription, which shall be done within ninety days after the passage of this act. The money, when received by the commissioners, shall be paid over to the trustees, when elected. The trustees shall elect a president from their own body, annually; make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of the company, not inconsistent with this act or with the laws of this state or of the United States; but no by-laws of this corporation shall be passed without the consent of a majority of the trustees; and all the acts of the duly appointed officers and agents of this company, done and performed under the authority of the by-laws, shall be binding on the company. Trustees

§ 6. The election of trustees of this company shall be held, annually, at the office of the company; and the board shall give at least ten days' notice thereof to the stockholders, in such manner as they may determine. Every election for trustees shall be by ballot, and the name and number of shares owned by each stockholder voting shall be indorsed on the ballot, and a plurality of votes shall elect. Every stockholder shall be entitled to one vote for every share of capital stock standing in his or their name on the books of the company, and he may vote in person or by proxy. Any omission or failure to elect trustees shall not impair, in anywise, the rights of the stockholders, depositors or others interested. Election

§ 7. After the election of the first board of trustees, as provided for in section five of this act, the board of trustees may call in an additional sum of twenty-five dollars per Call

share of said stock, to be paid at such time and place as the trustees shall appoint. On due notice to said subscribers, the shares of every stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon. After the payment of the twenty-five per cent. on the amount subscribed, as provided in a foregoing section, the said company shall be considered fully organized; and after the payment of fifty dollars per share on the whole number of [shares] subscribed to the capital stock of this company, making up the whole amount of at least fifty thousand dollars actually paid in, the company may commence its business, in the full enjoyment of the privileges of this charter, at such place in the city of Bloomington, in the county of McLean, as the said board of trustees shall direct.

*Non-payment.*

§ 8. The board of trustees shall have power to call for the payment of the balance due on the subscription to the stock of this company, at such times as they may deem proper; and in the event of the nonpayment of the balance due by any stockholder on his stock, within sixty days after due notice, it shall be lawful for the trustees, at their option, to enforce such payment or to sell, by public auction, to the best advantage, the amount of stock standing in the name of the said nonpaying stockholder, to any person or persons; and the proceeds of said sale shall be paid over to said nonpaying stockholder, who shall thereupon cease to be a stockholder in this company; and the purchaser or purchasers of said stock shall have and enjoy all the privileges and profits accruing or decreed to the said shares of stock and become liable for the payment of all calls then due or thereafter made on said shares of stock.

*Dividends.*

§ 9. The board of trustees shall have the power to declare dividends on the stock of the said company, from time to time, and at any time, after the accumulation of profits of said company shall exceed five per cent. on the amount of capital actually paid in, provided said dividends do not reduce the surplus of profits of the company below five per cent. on the amount of capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder on his or their stock until the amount of fifty dollars per share has been paid into the said company.

*Increase of capital.*

§ 10. At any time, after the payment of the original capital of one hundred thousand dollars into the company, as hereinbefore provided, the board of trustees may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increase shall be subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock

*pro rata*, within such time as the trustees may limit, of which due notice is to be given.

§ 11. Any real estate acquired in fee by this corporation and not held in trust or as security, other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than five years, and shall, within that time, be sold and conveyed, either at public or private sale, so as to divest the said corporation of their title to and fee in the same. Real estate.

§ 12. The stockholders in this company shall be holden to the creditors thereof for the amount of capital stock each shall hold in the same: *Provided*, that the stockholders of said company shall be individually liable for all the debts of said company hereby created, to the extent of the stock subscribed by them. Liability

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

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AN ACT to incorporate the American Pottery Company.

In force Feb'y  
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That all such persons as shall become stockholders, agreeable to the provisions of this act, in the corporation hereby created, are hereby constituted a body politic and corporate, by the name and style of "The American Pottery Company;" and, by that name and style, they and their successors and assigns shall have perpetual succession; and shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter and renew the same at pleasure; and, by their said corporate name and style, shall be capable, in law, of contracting and being contracted with; shall be and are hereby invested with all the powers, privileges, immunities and franchises of acquiring, by purchase or otherwise, of holding, leasing, selling and conveying real estate, which may be necessary to carry into effect fully the purposes and objects of this company. Body politic

§ 2. That D. W. Clark, C. W. Fenton, Thomas W. Johnson, George W. Lascell and A. M. Johnson, of the state of Illinois, are hereby appointed commissioners, for the purpose of procuring subscription to the capital stock of said company, whose duty it shall be to open books for sub- Commissioners



scription to the capital stock of said company, giving notice of the time and place where said books will be opened, at least thirty days previous thereto, by publication in some newspaper published in the cities of Chicago, Peoria, Quincy, Springfield, Alton and Bloomington.

Opening books

§ 3. The said commissioners or a majority of them, shall attend at the place appointed for the opening of said books, which shall be in one or more of the cities named in section two of this act, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of fifty thousand dollars, in shares of one hundred dollars each, shall have been subscribed, and ten per cent of said amount shall have been paid in to said commissioners; whereupon the said commissioners shall give twenty days' notice, by publication in a newspaper published in each of the cities named in section two of this act, for an election, by said stockholders, of a board of directors, as hereinafter provided for the management of said company, at such time and place appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election; and the stockholders present shall proceed to elect, from their number, five directors, by ballot; and the commissioners present shall certify the result of said election, under their hands, which certificate shall be recorded in the record books of said company, and shall be sufficient evidence of the election of the directors therein named. The directors, thus elected, shall hold their office until the second Tuesday of June, following said election, and until their successors are elected and qualified. Upon the organization of the said board of directors the commissioners shall deliver over to them all moneys, books and papers belonging to said company.

Directors.

Issue of stock.

§ 4. Whereas D. W. Clark has discovered and invented a new and useful improvement in combining together certain materials for producing an opaque glaze or metallic compound, of a pearl white color, to be applied to all varieties of pottery ware and all other articles to which said glaze or compound is susceptible of being applied; and whereas said Clark has made application to the United States patent office for a patent on said combination or glaze, having previously filed his caveat for the same, and has assigned an undivided interest in the said invention to himself, C. W. Fenton, Thomas W. Johnson, G. W. Lascell and A. M. Johnson; now, therefore, in consideration of a grant to the American Pottery Company, by said Clark, Fenton, Johnson, Lascell and Johnson, to use said invention in manufacturing pottery wares and all other articles to which said invention is susceptible of being applied, by the said American Pottery Company, in any county in the state of Illinois, the said company shall have, on organizing, full power to issue to said Clark, Fenton, Johnson, Lascell and Johnson ten hun-

hundred shares, of one hundred dollars each of full paid capital stock of said company.

§ 5. The capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum, not exceeding one million of dollars; and the same shall be subscribed for and taken under the direction of the board of directors of said company, at such time, place and manner as said directors shall, from time to time, direct. The shares of said company shall be deemed and considered as personal property, and shall be assignable and transferable, according to such rules and regulations as the board of directors may adopt. Capital stock.

§ 6. The affairs of said company shall be managed by a board of directors, to be chosen, annually, by the stockholders, from among themselves, on the second Tuesday in June, in each year, after the first election called by the commissioner. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy; and a plurality of votes given at any election shall determine the choice; but no stockholder shall be allowed to vote at any election after the first for any stock which shall have been assigned to him within thirty days previous to said election. The directors shall hold their office for one year after election, and shall elect one of their number president of said board; and in the event of any vacancy occurring between elections the vacancy may be filled by the board, at any legal meeting of the directors. In case of the absence of the president the directors shall have power to elect a president *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said company. Directors

§ 7. No money shall be paid out by this company, except by order of the president, countersigned by the secretary; and all persons authorized by this company to pay out and receive its money shall, on the first Monday of each month, make out and deliver to the secretary a statement of all moneys received, by whom, and on what account, together with all moneys paid out, to whom, and for what purpose, with vouchers for the same. The secretary shall, on the first Monday in January, April, July and October, of each year, publish, in circular form, and transmit to each stockholder, a full statement of the financial condition of the company; and his books shall at all times be open to the inspection of any stockholder. Statement.

§ 8. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amounts as they may deem proper, which, however, shall not exceed fifteen per cent. per month on each share, giving at least thirty days notice of said call, in a newspaper published in each of the cities Calls.

named in section two of this act; and in case of failure on the part of any stockholder to make payment of any call made by said directors, for sixty days after the same shall become due, the said board of directors are hereby authorized to declare said stock, so in arrears and all sums paid thereon forfeited to said company.

By-laws. § 9. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and useful to fulfill the purposes and to carry into effect the provisions of this act and the well ordering and securing the affairs, business and interests of said company, providing the same be not repugnant to the laws of the United States or the state of Illinois.

Dividends. § 10. The said company shall, annually or semi-annually, make such dividends as they may deem proper of the net profits, receipts or income of said company among the stockholders therein, in proper proportion to their respective shares, payable at the office of the American Pottery Company, in one of the cities named in section two of this act.

Injuries. § 11. If any person do or cause to be done or aid in doing or causing to be done any act or acts whatever, whereby any building or construction, designs, moulds, minerals or any engine, machine or structure or any matter appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding one thousand dollars, or by imprisonment, or both, at the discretion of the court, and shall forfeit and pay to said company treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with cost of suit, in action of trespass, before any justice of the peace of this state or any court having jurisdiction thereof.

Borrow money § 12. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing, finishing and extending said American Pottery works, and to issue and dispose of their bonds, in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same, by deed of trust, to secure the payment of any debt contracted by said company, for the purposes aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time, not exceeding five years from the date of the bond, under such regulations as the directors may see fit to adopt.

Right of way. § 13. The said company shall have power to lay out and construct such wagon ways and railroads and appurtenances



thereto, on and from their banks of clay, felspar, quartz, coal and other minerals, used in the manufacture of said wares, to such points on highways and railroads now constructed, as they may deem expedient and proper. And should said company not be able to agree with the owners of land necessary for the location of said roads it may acquire the right of way, under the provisions of the laws of this state, now in force, for condemning rights of way for railroad purposes.

§ 14. This act shall be construed beneficially for all purposes herein specified or intended, and to take effect from and after its passage.

APPROVED February 19, 1859.

AN ACT to amend the charter of the Kankakee and Iroquois Navigation and Manufacturing Company. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Kankakee and Iroquois Navigation and Manufacturing Company Lease. shall have authority to lease any and all the rights to improve the Kankakee river, for the purpose of navigation and manufacturing, from the head of the island at Wilmington to the Kankakee feeder, for a term not exceeding seven years; which lease shall be executed by the presiding officer and secretary of any meeting of the directors of said company, or of a majority of the same; and such lease shall vest in the lessees; and such lessees shall thereafter enjoy all the rights, powers, privileges franchises and immunities which said company are entitled to by the act creating the same and the several amendments thereto, as prescribed in said lease.

§ 2. That in lieu of the rates of toll now authorized to be established by section (6) six, of the act to which this act is an amendment, said lessees, their heirs and assigns are hereby authorized to levy and collect on all articles of growth, manufacture or merchandise, passing on said river, or any part thereof, between Wilmington and said Kankakee feeder, not exceeding the following rates or tolls, viz: Rates of toll.  
on corn and wheat, for every 60 pounds, 2 cents; on all other grain, for every 100 pounds, 2½ cents; on beef, pork; butter and cheese, for every 100 pounds, 5 cents; on hard wood lumber, for every 1000 feet, 75 cents; on soft wood lumber, for every 1000 feet, 50 cents; on salt, per barrel, 6 cents; flour per barrel, 4 cents; on castings, per ton, 50 cents; and on all other freights, per ton, \$1. And on boats or other vessels of any kind, navigating or being towed

therein, double the rates for the same distance on the Illinois and Michigan Canal.

Violation of  
rules.

§ 3. That for any violations or evasions of any of the rules and regulations of said company, or their lessees, in relation to the collection of tolls or fines, or to the navigation of the stream, the same penalties shall be incurred; and said [company,] their lessees, their heirs or assigns, in [the] name of said company, shall have the same remedies and modes of redress as the trustees or other officers of the Illinois and Michigan Canal have, by their present rules and regulations, so far as the same are applicable.

Repeal.

§ 4. That the act entitled "An act to amend the act incorporating the Kankakee and Iroquois Navigation and Manufacturing Company," approved February 16, 1857, be and the same is hereby repealed.

Directors.

§ 5. That the number of directors of said company shall be five only, a majority of whom shall constitute a quorum to transact business; and the annual election for directors shall be on the first Monday in January in each year.

Name.

§ 6. The name and style of said company is hereby changed to "The Kankakee Company."

Stocks.

§ 7. It shall be the duty of the supervisor of the town of Wilmington, whenever the people of said town, at their annual town meeting, may order the sale of the stocks belonging to said town, to sell the same at auction, after giving two weeks' notice, in some paper published at Joliet, in Will county, in such parcels or number of shares as he may deem best, and to pay over the proceeds to the commissioners of highways, for the improvement of roads and bridges in said town.

APPROVED February 24, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the South Illinois Salt Company.

Body politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William C. Desmond, and his associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The South Illinois Salt Company," with power to contract and be contracted with, sue and be sued, in all courts and places; to organize such company, by the appointment of a president and such other officers as they may deem necessary; to have a corporate common seal, and to alter the same; to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government, management and prosecution of the business of said company; to dig, bore and mine for

salt water, coal, iron and other minerals, and to manufacture, sell and transport the products thereof, and to carry on the cooperage business, and with all other powers necessary and adequate to promote the prosecution of their business.

§ 2. The said company may receive, buy and hold such Property. real estate, mining rights and rights of way, as may be deemed necessary by them to the successful prosecution of their business.

§ 3. The said company shall [have] power to lay out Roads. and construct such wagon ways, plank roads, railroads and appurtenances thereto, on and from the lands of said company, as they may deem proper, to transport their property.

§ 4. The said company may construct and have docks in the Docks. Ohio and Saline rivers, adjoining their own property, for the repair of steamboats and other water crafts, and may improve the landings in said rivers, where their property touches the same, by building wharves and piers: *Provided*, such improvements do not obstruct the free navigation of said rivers.

§ 5. The said company may employ and appoint such Agents. agents as may be required by them, and define the powers and prescribe the duties of such agents.

§ 6. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to Capital stock any sum, not exceeding three hundred thousand dollars.

§ 7. The said company is and shall be permitted to ne- Loan. gotiate a loan or loans of money, at such interest as they may deem proper, and to pledge all of their property, real and personal, and all their rights, credits and franchises, for the payment of the same. And this act shall take effect from and after its passage.

APPROVED February 24, 1859.

AN ACT to incorporate the Alton and St. Louis Packet Company.

In force Feb'y  
18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Joel A. Matteson, John J. Mitchell, Wm. H. Mitchell, George Hawley, E. B. Sweet, and their associates, successors and assigns, Corporators. be and are hereby created a body politic and corporate, under the name and style of the "Alton and Saint Louis Packet Company;" and under that name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended, in all courts and places; and by their corporate name and style may contract and be contracted with, as natural persons; and shall have all the incidents, immunities and franchises of a corporation, and



do and perform all lawful and necessary acts and things, in carrying into effect the objects and purposes of this act.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, which may be increased to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be assignable on the books of the corporation only. The persons incorporated by this act shall be authorized to receive subscriptions to the capital stock of said company, and as soon as twenty-five thousand dollars shall be subscribed and paid or secured to be paid, to the satisfaction of the directors, they may call a meeting of the stockholders, at a time and place to be designated by them, and proceed to organize said company, by the election of all necessary officers, each share being entitled to one vote by the holder thereof, or his proxy; and when said company is fully organized, it shall be lawful and said company are hereby authorized to form a line of boats, for the purpose of transporting freight, merchandise and passengers, by boat or otherwise, on the Mississippi river and its tributaries. And any company or individuals, now formed, are authorized to subscribe their corporate or individual property to the capital stock of this company. When so subscribed it shall be divided into shares of one hundred dollars each; which shall be deemed and held as personal property; and the same shall be subscribed for and taken under the directions of the board of directors of said company, in such manner and time as they may prescribe and direct.

Directors.

§ 3. The affairs of the company shall be managed by a board of directors, composed of not less than three nor more than five persons, who shall be chosen, and be stockholders in said company, who shall hold their office for one year and until their successors are elected. At all elections for directors, each share of stock shall be entitled to one vote, by the holder thereof, or his proxy duly authorized; and in case any vacancy shall occur in said board of directors between the time of holding any general election, said vacancy may be filled by said board, at any regular meeting of the directors; and the persons so appointed shall hold their office until the next regular election of officers. Said board of directors shall have power to elect a president, secretary, and all other officers and agents, for the necessary management and good government of the affairs of the company, under such rules and by-laws as may be adopted.

Business.

§ 4. The business of said company shall be confined to the transportation of freight and passengers on the Mississippi river and its tributaries, with such incidental and other necessary business as the board of directors may prescribe, connected with and auxiliary thereto; and for the purpose of more fully carrying out the objects of this act said company are authorized to purchase, charter, hire or build all

necessary boats, barges, wharf boats or water crafts and renew the same at pleasure; and to construct, purchase, lease or rent all necessary warehouses and offices; and receive, store and ship all goods, wares, merchandise and freight, and forward the same; and to regulate the time and manner of transportation of persons and property, and the storage of merchandise and other property under their charge; and shall have power and authority to provide all necessary stock and materials in carrying out the objects of this act, by erecting all buildings and machinery for the accommodation, management and complete operations of said company.

§ 5. The said company are hereby authorized and empowered to make calls upon the stockholders, at such time and in such sums as they may think proper; and any stockholder refusing or neglecting to pay such calls for thirty days after notice has been published in some newspaper in the city of Alton of such assessment so made by said company, after the same shall be due and payable, then said directors are authorized to declare said stock so in arrears and all sums paid thereon to be absolutely forfeited to said company. Said company are authorized to borrow money, from time to time, in such sums and at such rates of interest, not exceeding ten per cent. per annum, as they may think proper, and to pledge and mortgage the corporate property for the payment of the same, together with all the rights, credits and franchises of said company. Calls.

§ 6. The principal place of business of said company shall be in the city of Alton. Stockholders in this company shall be each liable to the creditors of said company to the amount of the unpaid portion of the stock respectively held by them. Office.

§ 7. This act shall be in force from and after its passage.  
APPROVED February 18, 1859.

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AN ACT to amend the charter of the Alton and Woodburn Plank Road Company. In force Feb'y 22, 1859.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the charter of the Alton and Woodburn Plank Road Company be so amended as to confer upon Frank Hewit, George W. Long, George R. Stocker, E. C. Blankinship, Fred. Humbert, Lewis Kellenberger, N. N. Wood, H. N. Kendall, Madison Williams and Moses G. Atwood, all the powers, rights and franchises conferred upon the corporators named in said act; and the said company shall have power to build a macadam- Amendment.

ized, instead of a plank road, and to select what route they will adopt as the most eligible, commencing at the crossing of Manning street and College Avenue, in the town of Upper Alton.

Tolls.

§ 2. That the said company shall have power to charge such tolls as are authorized to be charged by the American Bottom Plank Road Company, anything in the act to which this is an amendment, or in any other law of this state, to the contrary notwithstanding.

§ 3. This act to be in force from and after its passage.

APPROVED February 22, 1859.

In force Feb'y  
24, 1859.

AN ACT in aid of the American Bottom Plank Road Company.

Capital stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the American Bottom Plank Road Company be and they are hereby authorized to increase the capital stock of said company to any amount not exceeding sixty thousand dollars.

Road.

§ 2. That said company shall have power to macadamize the whole of said road, or such portions thereof as they may deem advisable, and collect tolls thereon, at the same rates as they are allowed to collect on said plank road, by virtue of this act.

Tolls.

§ 3. Said company shall have power to fix and regulate the tolls to be charged and paid for passing on said plank road: *Provided*, the said tolls shall not exceed the following rates: For every vehicle, drawn by one animal, three cents per mile; for every vehicle, drawn by two animals, four cents per mile, and one cent additional for each mile for every animal more than two; for every ten head of neat cattle, one and a half cents per mile; for every ten head of sheep or swine, one and a half cents per mile; and for every horse and rider, or led horse, one and a half cents per mile.

Time.

§ 4. That the time limited for the existence of said plank road company be and the same is hereby extended for the term of thirty years.

Power to sell  
road.

§ 5. That said company shall have the power to sell and transfer the said plank road to the county of Madison; and the said county of Madison is hereby authorized to purchase the said plank road from the said company, at and for such sums as may be agreed upon by and between the said company and the county court of Madison county.

§ 6. This act shall be in force from and after its passage.

APPROVED February 24, 1859.



## AN ACT concerning the Randolph County Plank Road Company.

In force Feb'y  
24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and directors of the Randolph County Plank Road Company be and they are hereby authorized to dispose of or sell, at public sale, their road, road bed, right of way, bridges, toll houses, real estate, franchises or other property, after giving at least thirty days' notice of such sale, in some newspaper published in Randolph county, and by posting up notices in at least three public places in the vicinity of said road; and said sale shall be for cash, or for such securities as shall be approved of by the president and directors of said company.

Power to sell  
road.

§ 2. That the county court of Randolph may purchase from the president and directors of said company their road and other property, at private sale, for such price or sum of money as may be agreed upon between the county court of said county of Randolph and the president and directors of said company: *Provided*, that a majority of the legal voters of the county shall petition the county court of said county to purchase the same: *And provided, further*, that until said president and directors shall sell said plank road and other property and franchises, the same shall be and remain the property of the said president, directors and company, their successors and assigns forever, or until abandoned by them, they keeping the same in good repair and condition to be traveled over, any limit or thing in their original franchise to the contrary notwithstanding.

County authorized to purchase.

§ 3. That in conveying or transferring the property of said company the conveyance or transfer shall be signed by the president and countersigned by the secretary, and shall be acknowledged before a justice of the peace, or some other officer authorized by law to take acknowledgments of deeds, and shall be recorded in the recorder's office of Randolph county, and shall be taken and deemed, when so executed, as a good and valid transfer of all the real estate, personal or mixed property, belonging to said company.

Transfer.

§ 4. That the purchaser or purchasers of said road, franchises and other property belonging to said company, shall be deemed the successors in law of the same, and shall have and enjoy the rights, privileges and immunities granted in the original charter, approved February eleventh, 1853, and in the amendment thereto, approved February twenty-eight, 1854, and of this act, with the additional power and privilege of increasing the rate of tolls now charged on said road to an amount not exceeding fifty per cent. on the present rate, as may be agreed upon between the president and directors of said plank road company and the county court of Randolph county: *Provided*, that the said increased rate

Purchasers.

of toll shall only be charged between the first day of November and the first day of April, in each year.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 23, 1859. AN ACT legalizing the sale of the bridges, property, franchises, &c., of the Rock Island and Camden Plank Road Company to the city of Rock Island.

Preamble.

Whereas the city council of the city of Rock Island, upon the request of the citizens of said city, and for the purpose of improving the highways into said city and of reducing the rates of toll for crossing the bridges of Rock river, near said city, have purchased of the Rock Island and Camden Plank Road Company all and singular the bridges across Rock river and property and franchises, of every kind, belonging to said plank road company, and in payment therefor has issued to said plank road company the bonds of said city to the amount of twenty-five thousand dollars, payable in ten years, from the first day of August, 1857, which bonds bear interest at the rate of ten per cent. payable semi-annually; and whereas it is desired by the people of said city and county of Rock Island, and of all parties interested therein, that said sale and purchase shall be confirmed and rendered free of all doubt as to its validity; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sale and purchase of the bridges, franchises, &c., of the Rock Island and Camden Plank Road Company to and by the city of Rock Island, be and the same is hereby legalized and declared to be as valid and binding upon the parties as though they and each of them had, at the time of said sale and purchase, possessed full powers to enter into and make the same; and that all and singular the bridges, property, charter and franchises, so sold and transferred, as aforesaid, are hereby vested in the city of Rock Island, its successors and assigns; and that said city, in its corporate capacity, may hold, use, improve and enjoy or transfer and dispose of the same, as fully as the said Rock Island and Camden Plank Road Company was authorized to do under its charter, and before the sale by them to said city, and as fully as they are further empowered to do under this act.

Exemption.

§ 2. That so long as the said bridges, charter, franchises, &c., shall be held and owned by said city the same shall be free from taxation; and the said city shall have full power, by ordinance or resolution, to regulate and manage the same, and may, by ordinance, provide for and enforce the collec-

tion of penalties for trotting or other immoderate or improper driving upon or across said bridges or any of them.

§ 3. That this act shall be a public act, and take effect on its passage.

APPROVED February 23, 1859.

AN ACT to amend an act entitled "An act to incorporate the Naples Protection Association," approved June 21, 1852. In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said act mentioned in the title of this act be and the same is hereby so amended that the legal voters of the town of Naples shall, annually, at their town elections for trustees of such town, elect five directors of said protection company, who shall be successors to the trustees in said act named, and exercise all the powers and perform all the duties required of said trustees by said act to which this is an amendment. Amendment.

§ 2. This act to be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to incorporate the Swedish Lutheran Publication Society in North America. In force Feb'y 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Tuve N. Hasselquist, Erland Carlson, Eric Norelius, Andrew Andreen, Charles F. Anderson, Charles Stromberg, John Johnson and Peter Fagercrantz, being the trustees and directors of the Swedish Lutheran Publication Society in North America, and their successors in office, be and they are hereby created a body corporate and politic, for the purpose of maintaining and directing a publication society, to be known by the name of the "Swedish Lutheran Publication Society in North America." Corporators.

§ 2. Said corporation shall be known by the name and style of the "Board of Directors of the Swedish Lutheran Publication Society in North America," and by that style and name remain and have perpetual succession, with power to sue and be sued, plead and be impleaded; to receive gifts and bequests; to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have, use and alter at pleasure, a common seal; to make, alter and establish, from time to time, such rules, by-laws and regulations Name.



as they may deem necessary, for the good government of said corporation and the proper management of the institution under their control: *Provided*, such rules, by-laws and regulations be not inconsistent with the provisions of this act and the constitution and laws of this state and of the United States.

§ 3. Said publication society shall consist of such Swedish Lutheran congregations in this country as are united with any Synod belonging to the General Synod of the Lutheran Church in the United States.

Objects.

§ 4. The object of this society shall be to propagate useful knowledge, christianity and civilization. Hence it shall—1st, publish one or more periodical papers of a christian character and in faithful adherence to the Confessions of the Lutheran church; 2d, establish a book establishment, for the circulation of books of a generally useful or christian character, especially of the Lutheran Confession; 3d, as soon as the means and resources of the society will allow, to send out, support and aid colporteurs and traveling preachers, and do other things, of a similar nature, which the society, in its conventions, may decide upon.

Government.

§ 5. The highest government of the society shall be exercised by the congregations through their ministers and lay delegates, in public conventions, lawfully convened; and in these conventions all important business, relative to the operations, success and prosperity of the society, shall be transacted and be determined upon.

Convention.

§ 6. The society shall have an annual convention, at such time and place as shall be determined by the society at its previous convention.

§ 7. Extra conventions shall also be called by the board of directors whenever they judge it necessary.

§ 8. The conventions of the society shall be called, organized and conducted in accordance with the order and the rules which are observed in the meetings of Lutheran conferences.

Officers.

§ 9. The officers of the society shall be the eight directors composing the board of directors aforesaid, one editor, one manager of the book establishment, and one treasurer. The same person may be both editor and manager of the book establishment, if the society choose to decide so.

Election.

§ 10. These officers shall be elected, by ballot, at every annual convention, and at least one half of all the votes cast shall be necessary to a choice.

Directors.

§ 11. The board of directors shall consist of the eight directors, four clerical and four lay, elected for a term of four years each, and in such a way that two shall annually be elected and two retire.

Meetings.

§ 12. This board shall meet twice every year, and one of these meetings shall be held just before the annual convention of the society.

§ 13. The board of directors shall, at every meeting, elect a chairman and a secretary from among themselves.

§ 14. Four of the directors shall constitute a quorum to transact business; and, in case of a tie in voting, the vote of the chairman shall be a casting vote. Quorum.

§ 15. The meetings of the board of directors shall be called by the chairman of the last meeting, who, also, shall have authority to call extra meetings whenever he shall judge it necessary or shall be requested by two or more directors to do so. If there be no chairman, his duty shall be performed by the secretary.

§ 16. The business of the board of directors shall be, in the name and on behalf of the society, to effect purchases and sales, make agreements for rents and work, erect buildings and keep them in repair, but not without the authorization of the society, whenever the sum in question exceeds one hundred dollars. Business.

§ 17. The directors shall, also, as trustees, hold the property of the society, take care of its important papers and documents, and see that no property of the society be destroyed, lost or damaged. Property.

§ 18. It shall also be the duty of the board of directors to see that correct accounts of the income and expenditures of the society be kept, and that all the means of the society be well husbanded, and they shall, therefore, have a right to call both the treasurer, the editor and the manager of the book establishment to account and settlement, whenever they deem it necessary. Accounts.

§ 19. The board of directors shall also have power, *ad interim*, to appoint to or remove from office either of the three officers mentioned in the preceding section, if there be a sufficient reason or a necessity for doing so. Appointment, &c.

§ 20. Alterations in or amendments to this act must be proposed in an annual convention of the society, and passed at the next annual convention, with at least two-thirds majority. Such alterations or amendments shall also be presented for ratification to the state legislature or to any authority that may hereafter, by a general law, be empowered to grant incorporations. Amendments.

§ 21. By-laws may be adopted or abolished by the society at its annual conventions. By-laws.

§ 22. Every question shall be decided by a plurality of votes, in all cases not otherwise provided for.

APPROVED February 21, 1859.

In force Feb'y  
4, 1859.

AN ACT to incorporate the Alton and St. Louis Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel A. Buckmaster, John J. Mitchell and others, who have purchased or may hereafter purchase of the Sangamon and Northwest Railroad Company so much of the branch of said railroad, of said company, as lies between Alton, in Madison county, and Bloody Island, opposite the city of St. Louis, Missouri, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Alton and St. Louis Railroad Company;" and by that name be and they are hereby made capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to construct, complete and operate a railroad, with double or single track, from Alton to any point opposite the city of St. Louis, Missouri, and for that purpose to enter upon and take possession of so much land as may be necessary to construct, complete and operate said railroad and its appendages. And if said company can not agree with the owner or owners of said land, taken as aforesaid, it may be lawful for them to proceed in the manner now provided by the laws of this state for the condemnation of lands by incorporated companies.

Capital stock.

§ 2. The capital stock of said company shall be five hundred thousand dollars, and which may be increased by said company to any sum, not exceeding one million of dollars, which may be divided into shares one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner as the board of directors may prescribe.

Directors.

§ 3. The affairs of said company shall be managed by a board of three directors, which may be increased to nine, and Samuel A. Buckmaster, John J. Mitchell and William H. Mitchell are hereby appointed the first board, who shall hold their offices until their successors be elected and qualified, in such manner as may be prescribed by the by-laws of said company. Said board shall have the power of electing one of their number president and such other officers as may be prescribed by the by-laws; and said corporation shall be and is hereby vested with all the powers conferred upon railroad incorporations by the general railroad laws of the state of Illinois or any amendment now made or hereafter to be made thereto.

Power to purchase R. R.

§ 4. Said Alton and St. Louis Railroad Company shall have the power to purchase and receive, by transfer, from



the Sangamon and Northwest Railroad Company, the branch road aforesaid; and after such transfer, the said corporation, hereby created, shall be the owners of said branch road; and all of the acts done by said Sangamon and Northwest Railroad Company, their agents or contractors, towards establishing or constructing the aforesaid branch road, or acquiring the right of way or any other real estate, for the use of said branch road, be and the same are hereby sanctioned and declared legal and valid, and the title to so much of the said branch road as is now constructed, in whole or in part, and to all the right of way and other real estate acquired for the purposes aforesaid shall be thereafter vested in the said Alton and St. Louis Railroad Company; and said company shall have the power to enter upon and take possession of the said branch road and to complete the same to its present termination, on Bloody Island, or continue or construct the same to any other point on the Mississippi river, opposite to the city of St. Louis, in the state of Missouri.

§ 5. Said corporation shall have power to unite its railroad with any other railroad, now constructed or which shall hereafter be constructed, upon such terms as may be mutually agreed upon between the companies so connecting; and, also, shall have the power to lease its railroad, with the benefit of all the rights, privileges and franchises hereby conferred, to any other corporation or person or persons; and, for the purposes aforesaid, full power is hereby given to the said company to make, execute and deliver all such contracts and instruments of writing as shall be necessary for said purposes. Said company is also hereby authorized, from time to time, to borrow such sums of money as may be necessary for the purposes of said company, and at any rate of interest, not exceeding ten per cent. per annum, and to issue and dispose of their bonds, in denominations of not less than one hundred dollars, for any amount so borrowed, and to mortgage their corporate property, real or personal, and their franchise, or convey the same, by deed of trust, to secure the payment of any money so borrowed or any other debt of said company. And all mortgages or deeds of trust of said company, on any personal property of said company, shall be valid liens thereon, although not acknowledged, as is required by the statute touching the execution and recording of chattel mortgages, and the provisions of said statute shall not be held to apply to any mortgages or deeds of trust which shall be made by said company.

Power to unite  
with  
other  
railroads.

§ 6. This act shall be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 4, 1859.

In force Feb'y  
19, 1859.

AN ACT to incorporate the Ashley and Illinoistown Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons and corporations as shall become stockholders under the provisions of this act, and their successors, be and are hereby created a body politic and corporate, by the name of "The Ashley and Saint Louis Railroad Company," with all the rights and powers incident and necessary to such corporation.

Capital stock.

§ 2. The capital stock of said company shall be five hundred thousand dollars, with power to increase the same, from time to time, in such amount as may be found necessary to complete and operate the railroad herein authorized. It may be divided into shares of one hundred dollars each; each share shall entitle the owner to one vote.

Directors.

§ 3. When an amount equal to one thousand dollars per mile of the route of said road is subscribed, the subscribers may meet at ——— and elect seven directors, and as many more, from time to time, as may be fixed in the by-laws of said company. The board of directors, so elected, and their successors, shall have and exercise all the powers of the corporation, and which includes every power necessary to accomplish the objects of this act, and may, for that purpose, adopt by-laws, rules and regulations, for the management, government and control of all the property and affairs of the corporation: *Provided*, the stockholders may, by resolution, limit and restrict their powers, in such manner as they think proper.

Property.

§ 4. The corporation may take and convey such real estate and personal property, as may be deemed necessary, to carry out the objects of this act; which are, building, equipping, maintaining and operating a railroad, with single or double tracks, from Ashley, in Washington county, by the towns of Nashville, Mascoutah and Belleville, to the east bank of the Mississippi river, opposite St. Louis, Missouri, with all convenient turn-outs, side tracks, stations, depots and other structures and buildings.

Right of way.

§ 5. For the purpose of acquiring the necessary lands for a right of way, not exceeding 100 feet wide, and for turn-outs, side tracks, station depots and other structures and buildings, and for materials to build, ballast and repair the same or any of them. In case of disagreement, as to price, between the company, by its agents, and the owner or owners, the same may be condemned, taken and used, under the provisions of an act to amend the law condemning the right of way, for purposes of internal improvement, approved June 22, 1852.

Rights

§ 6. All the rights, powers, privileges and actions created, conferred, authorized or imposed by the provisions of the eleventh section of "An act to incorporate the Illinois

Central Railroad Company," approved February 10th, 1851, are hereby created, conferred, authorized and imposed upon this company: *Provided*, any judge of a circuit court may, instead of the judge of the district court of the United States, appoint the third person as a commissioner in case of a disagreement between the commissioners: *And provided, further*, that in case either company refuse or neglect, for one month after the request of the other, to appoint or choose one commissioner, as therein provided, then any circuit judge may appoint such commissioner also.

§ 7. The corporation may borrow such sums of money as they deem advisable, and upon such terms as they may agree, for carrying out the objects of this act, and may provide any security therefor they think best, by bond and mortgage or otherwise. Borrow money

§ 8. The courts of Washington and Saint Clair counties are hereby authorized and empowered to subscribe for such amount of the capital stock of said company as they may think proper. They may issue bonds of the county, and provide for the payment of the principal and interest thereof, by sale or mortgage, one or both, of the swamp and overflowed lands of said counties, and dispose of such bonds for money, to pay, or in payment of their subscription to said stock; all and each to be upon such time, terms and in such mode as they may deem best; or they may make such other disposition of said swamp and overflowed lands, in aid of the construction and maintenance of said railroad, as they deem best for the public interest of said county. County sub-  
scriptions.

§ 9. Before any disposition is made of said swamp and overflowed lands, or any subscription to the stock of the company, the court may at any regular or special term of said court, order a special election to be held, for the purpose of taking the sense of the qualified voters of the said counties thereupon, giving such notice thereof as they may deem proper, and which shall be conducted and returns made, canvassed and published, in all respects, as other county elections. The county court shall prepare a proposition or propositions, of the mode or modes, one or more, containing a brief, clear, distinct idea of the plan or plans proposed by them for aiding in constructing of said road; which said proposition shall be printed at large, as an election ticket, and the voters may express their will on said proposition by writing "yea" and "nay" on said ticket. Those opposed to any and all propositions or plans may express their dissent by voting "nay," on a separate ticket. The proposition or plan having the highest number of votes shall be adopted by the county court: *Provided*, a majority of all the votes given in favor of the several propositions or plans so submitted in aid of said road, shall be a majority of all the votes given at said election. Election.



Provisions to  
apply to other  
counties.

§ 10. Any county through which said road may run, and every county through which any other railroad may run, with which this road may be joined, connected or intersected, may, and are hereby authorized and empowered to aid in the construction of the same, or of such other road with which it may so connect; and for this the provisions of the seventh, eighth and ninth sections of this act shall extend, include and be applicable to every such county and every such railroad.

Commissioners

§ 11. Willis White, John White, Dempsey Kennedy, John D. Wood, Amos Watts, Philip R. Postel, George C. Eisenmayer, Nathan Land, Samuel B. Chandler, Simon Eimer, John Scheel and Frederick Brooksmith, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said company. Any one of said commissioners may act alone. When the sum of one thousand dollars per mile has been subscribed, said commissioners, or a majority of them, may appoint a time and place and give notice for a meeting of subscribers, for the purpose of electing a board of directors. Any two of said commissioners may act as judges, and one or more as clerks of said election; and those so acting as judges and clerks shall canvass and give certificates of election.

Stock transfer-  
able.

§ 12. The stock of said company shall be deemed personal property, and transferable, as provided by the by-laws. This shall be deemed and taken as a public act, and all the by-laws, rules and regulations and other proceedings of the stockholders and board of directors, shall be sufficiently proven by a certified copy, under the hand of the secretary of the company. This act to take effect from its passage.

APPROVED February 19, 1859.

In force Feb'y 24, 1869. AN ACT to revive and amend an act entitled "An act to incorporate the Belleville Eastern Extension Railroad Company," approved February 10th, 1853.

Act revived.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the Belleville Eastern Extension Railroad Company," approved February 10th, 1853, be and the same is hereby revived and re-enacted, so as to authorize the company created by said act to go on and construct and operate said road, within five years from the passage of this act.

Provision re-  
pealed.

§ 2. That so much of the eighth section of the act to which this act relates, as requires the office of said company to be located in the city of Belleville, be, and the same is hereby repealed.

§ 3. That in addition to the corporators, in said act named, the said board shall associate with themselves Thomas F. White, Dempsey Kennedy and Stephen G. Hicks, of Washington county, and Zadok Casey, F. B. Farmer and John R. Satterfield, of Jefferson county. Additional corporators.

§ 4. That this act shall go into effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend the charter of the Belleville and Southern Illinois Railroad Company. In force Feb'y 4, 1854.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section number 1, of the charter of the Belleville and Southern Illinois Railroad Company, be and the same is hereby amended so as to strike out the names of J. L. D. Morrison and P. B. Fouke, and insert the names Sharon Tyndale and Frederick Ropiequet. Amendment.

This act to take effect and be in force so soon as the assent of the said J. L. D. Morrison and P. B. Fouke to this act shall be entered upon the books of the said company.

APPROVED February 4, 1859.

AN ACT to incorporate the Belleville and Tamaroa Railroad Company. In force Feb'y 14, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Z. P. Curlee, D. C. Barber, S. B. Chandler, Samuel Stookey, Edward Abend and G. Rountree, their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of "The Belleville and Tamaroa Railroad Company," and by that name they and their successors shall be capable, in law, of suing and being sued, in all courts of law and equity, as natural persons; and they are hereby vested with all the powers necessary for purchasing, taking, holding and selling and transferring property, real and personal, as natural persons, and sufficient in amount and value to carry out the objects of this act; which are, to build, maintain and operate a railroad, from Belleville, in Saint Clair county, on the most eligible route, to Tamaroa, in Perry county, Illinois, with one or more tracks, Corporators.

and with all necessary side tracks, depots, turn-outs, stations and other buildings, erections and structures.

Right of way.

§ 2. For the purpose of acquiring the rights of way for the construction of said road, side tracks and turn-outs and grounds for depots, stations or other buildings, erections and structures, and for the purpose of obtaining stone, gravel and other material for building, ballasting or repairing the same, and of a right of way to said material, the said company be and they are hereby authorized and empowered to take, condemn and use the same, under the provisions of an act to amend the law condemning the right of way for purposes of internal improvements, approved June 22, 1852.

Power to unite  
with Ill. Cen.  
R. R.

§ 3. Said company are hereby authorized and empowered to intersect, join and connect with the Illinois Central Railroad, at Tamaroa, upon such terms and in such mode as the two companies may agree upon. In case said companies cannot agree upon the terms or mode of intersection, junction or connection, the same shall be made and determined in pursuance of "An act to incorporate the Illinois Central Railroad Company," approved February 10, 1851.

Directors.

§ 4. When stock to the amount of one thousand dollars per mile of said route has been subscribed the stockholders may meet, at such time and place as they may agree upon, and elect a board of as many directors as they shall determine to appoint; each stockholder, for such purpose, giving one vote for every one hundred dollars of stock subscribed by him.

By-laws.

§ 5. The board of directors shall have power to pass all by-laws, rules and regulations necessary, and which they may deem advisable, for the government and management of the affairs of and property of the company, not inconsistent with the laws and constitution of the state of Illinois. The stock shall be deemed personal property, and transferable as may be provided by the by-laws. This shall be noticed as a public act in all courts and places, without pleading.

Time of begin-  
ning.

§ 6. The said company shall begin, in good faith, the building of said railroad within two years and complete the same within ten years, from the passage of this act. This act to take effect from its passage.

APPROVED February 14, 1859.



AN ACT to authorize holders of ten per cent. mortgage bonds, issued by "The Chicago and Mississippi Railroad Company," dated March 1, 1854, to become purchasers of the railroad of said company, and to organize a new corporation. In force February 16, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Lee, Samuel B. White, Samuel J. Tilden, Louis Van Hoffman, Charles Congdon and George T. M. Davis, of the city of New York, and Dennis Kimberly, of the city of New Haven—all owners and holders of seven or ten per cent. bonds issued by "The Chicago and Mississippi Railroad Company," and secured by mortgages made by that company to Azariah C. Flagg, David Hoadley and John Earl Williams, as trustees, or to John Earl Williams and George N. Titus, as trustees, dated, respectively, October 1st, 1852, June 1st, 1853, and May 12th, 1854, and their associates, be and they are hereby created a body politic and corporate, by the name of "The Alton, Chicago and St. Louis Railroad Company;" and by that corporate name shall have perpetual succession, and sue and be sued, and have and use a common seal and alter the same at pleasure. Body politic.

§ 2. That said corporation shall have power, by and with the consent of a majority in interest of the holders of the outstanding ten per cent. bonds, secured by said mortgage to said John Earl Williams and George N. Titus, and by and with the consent of Joel A. Matteson, at any sale of the railroad, corporate property and franchises, by virtue of any decree of foreclosure of or upon said last mentioned mortgage, dated May 12th, 1854, rendered by the consent of said Joel A. Matteson, to purchase all and singular said railroad, corporate property and franchises, and by said corporate name to take and receive a conveyance thereof, with power to hold, use, enjoy, sell, mortgage and convey the same; subject, however, to the respective prior liens thereon created by said two mortgages executed to said Azariah C. Flagg, David Hoadley and John Earl Williams, as trustees, dated, respectively, October 1st, 1852, and June 1st, 1853, to secure seven per cent. mortgage bonds, amounting, in the aggregate, under both mortgages, to three millions five hundred and thirty-five thousand dollars, and, also, subject to all arrears of interest, due or owing thereon. And upon receiving such conveyance, said corporation shall have power to issue and deliver its corporate bonds, payable on time, to bearer, with interest, not exceeding ten per cent. per annum, payable semi-annually, in payment of the purchase or consideration money mentioned in such conveyance, or agreed to be paid by said corporation for the said railroad, corporate property and franchises; and upon the delivery to said corporation of a good and sufficient conveyance, transfer and assignment of said railroad, corporate property and franchises, said corporation shall thenceforth have, possess, enjoy and exercise and be vested with all and singular the corpo- Powers.

rate powers, rights, privileges, immunities and franchises heretofore at any time granted to "The Alton and Sangamon Railroad Company," "The Chicago and Mississippi Railroad Company," and to "The Chicago, Alton and St. Louis Railroad Company," by any act or acts of the general assembly of the state of Illinois.

Directors.

§ 3. All the corporate powers of the corporation hereby created shall be vested in and exercised by seven directors; and that the said James Lee, Louis Von Hoffman, Charles Congdon, George T. M. Davis, Dennis Kimberly, Samuel J. Tilden and Samuel B. White, shall be the first directors, and shall hold their offices for one year, from the passage of this act, and until others shall be duly elected directors in their places; and that a majority of them shall have power to fill, by appointment, all vacancies which may occur by death, resignation or otherwise, and also to appoint one of their number to be the president of said corporation; and, thereafter, said directors shall be elected, annually, by the stockholders, at such time and place and under such regulations as the board of directors shall appoint and determine; and a majority of the directors so elected shall, from time to time, have power to fill, by appointment, all vacancies which shall or may occur in said board of directors by death, resignation or otherwise; and the directors of said corporation may organize as a board of directors and hold their meetings for the transaction of the business of said corporation, at any place, in or out of this state, as they may, from time to time, think proper, or may by by-laws or otherwise appoint or determine: *Provided, always*, that three, at least, of the seven directors, so annually elected by the stockholders, shall, so long as any of said seven per cent. mortgage bonds are outstanding, be holders and owners of said bonds.

Powers of the corporation.

§ 4. The said corporation shall have power, and it is hereby authorized: (1.) To pledge so much and such part of the net earnings and receipts of its railroad as shall be necessary, in order to pay, in full, all lawful claims and demands now due or now owing and to become due to employees, now or heretofore employed in operating said railroad, or for debts due by the Chicago, Alton and St. Louis Railroad Company, or the St. Louis, Alton and Chicago Railroad Company, for fuel and other supplies furnished along the line of the said railroad, and for liabilities of said companies, or either of them, for stock killed or injured, and also for the payment of all advances made or liabilities incurred by Joel A. Matteson, directly or indirectly, in securing the possession of and for the purpose of operating said railroad or of paying any of the indebtedness of the companies or persons at any time in possession of said road. (2.) To demise and lease to responsible parties, for a term of years, not exceeding ten years, all and singular its said railroad, corporate property, real and personal, and franchises,

and with such covenants and upon such terms as its board of directors may deem proper: *Provided, however*, that no such lease shall be made after the expiration of one year from the passage of this act, unless assented to by two at least of the directors in said board elected or appointed such as holders and owners of seven per cent. mortgage bonds. (3.) To issue and deliver its corporate bonds, payable to bearer, on time, at any place, in or out of this state, bearing an interest not exceeding ten per cent. per annum, payable semi-annually, for the purpose of paying, discharging or capitalizing or as collateral security for any arrears of interest, now due or hereafter to become due upon any mortgage bonds heretofore issued by the Chicago and Mississippi Railroad Company, or for the purpose of paying, capitalizing, funding or discharging any lawful debts or liabilities heretofore incurred by said last named company, or by "The Alton and Sangamon Railroad Company," or by "The Chicago, Alton and St. Louis Railroad Company," or by the successors of said last named company, or by "The St. Louis, Alton and Chicago Railroad Company," or for the purpose of borrowing money to enable the said corporation to equip and operate its railroad. And said corporation is hereby authorized to secure the payment of all or any corporate bonds it may issue, by a mortgage or mortgages, to trustees, covering and conveying all its railroad, rights, privileges, corporate property, real and personal, and franchises, subject however, to the said liens of said two mortgages to Messrs. Flagg, Hoadley and Williams, trustees, as aforesaid: *Provided, also*, that the corporation hereby created shall assume and pay all arrearages due to the employees of the St. Louis, Alton and Chicago Railroad Company, or any of the predecessors of said company, and all liabilities of said company or any of its predecessors, for fuel or other supplies furnished along the line of said railroad, and all damages for stock killed or injured, for which said St. Louis, Alton and Chicago Railroad Company or any of its predecessors were or are legally liable, and also all advances made or liabilities incurred by Joel A. Matteson, directly or indirectly, in securing the possession of and for the purposes of operating said railroad or of paying any indebtedness of the companies or persons at any time in possession of said road.

§ 5. Said corporation is hereby authorized to issue shares of capital stock, of one hundred dollars each share, and to deliver the same in payment or satisfaction of any part or portion of the debts or liabilities referred to in the fourth section of this act; and said corporation is hereby authorized to issue a part of its said capital stock in shares of preferred or guaranteed stock, with such preferred or guaranteed rates of dividends or of interest, and with such covenants, and on such terms and conditions as its board of directors may deem proper, and to issue and deliver the same in payment or

Issue stock.



Proviso.

satisfaction of any coupons, now due and owing or hereafter to become due, upon any of the mortgage bonds hereinbefore referred to; and the *bona fide* owners of such shares of preferred and common stock shall be entitled to vote thereon, at all meetings of stockholders, for the election of directors of said corporation—each share of both kinds of stock to be entitled to one vote: *Provided, however*, that the whole aggregate amount of the funded or other debts assumed or created by said corporation and the shares of common and preferred stock, which it may issue, shall not, together, exceed, in the aggregate, seven millions of dollars.

Proviso.

§ 6. The grants and franchises hereby created shall be null and void, unless the incorporators herein named shall, when they take possession of said railroad, pay one-fourth of the indebtedness named in this act and one fourth monthly thereafter, until it is entirely paid, unless a further extension of time shall be agreed upon between the incorporators and the owners of said indebtedness.

§ 7. This act shall be in force from and after its passage  
APPROVED February 16, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the Chicago and Plainfield Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Lyman Foster, D. W. Cropsey, K. J. Hammond, G. W. Bradley, John Moore, John Litsey, A. K. Wheeler, William Thurber and Benj. Ricketson, and their associates, heirs, assigns, be and they are hereby created a body politic and corporate, by the corporate name and style of "The Chicago and Plainfield Railroad Company;" and are hereby vested, in their corporate capacity, with all the powers, privileges and immunities conferred upon railroads heretofore or hereafter incorporating under the general railroad laws of this state; and are hereby authorized and empowered to construct and reconstruct, locate and relocate, operate, equip and maintain a railroad, with one or more tracks, from any point, within or near to the corporate limits of the city of Chicago, in Cook county, thence by the way of the village of Lyons, in Cook county, Plainfield, in Will county, Lisbon or Newark, in Kendall county, (as the company may choose,) terminating in or near the city of Ottawa, in La Salle county; with power to connect and consolidate and merge, on such terms as may be agreed upon, their stock or road with any road whose track they may cross or approach.

Powers.

§ 2. Said company, by their corporate name shall have perpetual succession, and by such name and style shall be

capable in law as well as equity of suing and being sued, impleading and being impleaded; and may adopt, have and use a common seal, and alter the same at pleasure; and may have and exercise all the corporate rights and franchises necessary to enable them to carry out the powers herein conferred.

§ 3. The corporation hereby created shall in no wise be subject to the provisions of sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty three of an act entitled "An act to provide for a general system of railroad incorporation," approved November 5, 1849; but shall be assessed and taxed for state, county, town and other purposes the same as other railroad corporations are now or hereafter may be by law. Taxation.

§ 4. Said corporation shall, at each of the villages mentioned as points on said road, furnish the necessary cars and construct and maintain switches, side-tracks, station houses and other accommodations for the business of said villages, and all other facilities for storage and for the accommodation and speedy and safe transportation of passengers and freight, on the same terms and to the same extent as at any other point on said road; and they may condemn for the purposes of said road in the manner provided by act of June 22d, A. D. 1852. Stations.

§ 5. That this act shall be a public act, and shall be in force from and after its passage.

APPROVED February 24, 1859.

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AN ACT to authorize the sale of the Chicago, St. Paul and Fond du Lac Railroad, and to enable the purchasers thereof to form as a corporation. In force July 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That if any mortgage or deed of trust heretofore or hereafter executed by the Chicago, St. Paul and Fond du Lac Railroad Company, a corporation existing under and by virtue of the laws of this state, shall be foreclosed, either by bill in chancery or by publication of notice in the manner prescribed in such mortgage or deed of trust, and there shall be a sale of said Chicago, St. Paul and Fond du Lac Railroad, or any part of it, on or by virtue of any trust deed or on foreclosure of any mortgage thereupon, the party or parties acquiring title under any such sale, and their associates, successors or assigns, shall have and acquire thereby and shall exercise and enjoy thereafter all and the same rights, privileges, grants, franchises, immunities and advantages, in and by said mortgage or trust deed enumerated and conveyed, which* Foreclosure of mortgage.

belonged to and were enjoyed by the said Chicago, St. Paul and Fond du Lac Railroad Company, as fully and absolutely, in all respects, as the Chicago, St. Paul and Fond du Lac Railroad Company, its corporators, shareholders, officers and agents might or could have done theretofore, had not such sale or foreclosure taken place. Such purchaser or purchasers, their associates, successors or assigns, may proceed to organize anew and elect directors, distribute and dispose of stock, take the same or another name, and may conduct their business, generally, under and in the manner provided in the charter and rights of said Chicago, St. Paul and Fond du Lac Railroad Company, under and by virtue of its consolidations with other railroad companies, and generally, to do and perform all things said Chicago, St. Paul and Fond du Lac Railroad Company might do under and by virtue of any laws of this or any other state through which the line of said companies' road runs or is located, or under the chartered privileges or rights acquired by charters of and consolidations with other railroad companies in, such other states, with such variations in manner and form of organization as their altered circumstances and better conveniences may seem to require.

Powers of the  
corporation.

§ 2. Said new corporation, when so organized, shall have full power to mortgage, lease or pledge their said road, or any portion of the same, and any other estate, real, personal or mixed, of which they may be seized at the time of or which they may acquire after the execution of such mortgage, deed of trust or other instruments in writing, to secure, any bonds or indebtedness or evidences of indebtedness of said corporation, so created as aforesaid, or to pay for the whole or any part of the purchase money or cost of said road, at the sale thereof, to the purchasers thereof, their associates, successors or assigns, or to pay, fund or liquidate any existing liabilities or indebtedness of said Chicago, St. Paul and Fond du Lac Railroad Company, which said purchasers, their associates, successors or assigns may agree or elect to assume and provide for.

to borrow money.

§ 3. Said corporation is hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation or body politic, of any kind, and for any rate of interest which may be agreed upon by and between said company and the party of whom such money may be obtained, and to make, execute and deliver, in or out of this state, all necessary writings, notes, bonds, bills, mortgages, deeds of trust and all other papers or securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liability they may incur in the purchase, construction, repair, equipment or operation of said road or in any of the transactions of said company. And said company is hereby authorized, in its



corporate capacity, to make, execute, issue and deliver its bonds or obligations, in such amounts as the directors of said company shall deem for the best interests of said company; and the directors of said company shall prescribe the sum or sums for which each of said bonds shall be issued and the time or times and place or places when and where the principal and interest of the same shall be payable, the rate of interest which said bonds shall bear, and the manner and form in which the same and the interest coupons annexed to the same shall be executed. And, to secure the payment of any and all of said bonds, the said company is hereby authorized and empowered, in its corporate capacity, to make, execute and deliver a mortgage or mortgages or deed or deeds of trust upon the whole or any part of said railroad, constructed or not constructed, and authorized to be purchased by this act, and upon any other and all of its estate, real, personal or mixed, in possession or expectancy. And the said company is hereby authorized and empowered, in and by such mortgage or deed of trust, to confer upon the mortgagee or trustee full and ample power to enter into and upon and take possession of, have, use and enjoy or sell or dispose of the whole or any part of said railroad or estate, real, personal or mixed, together with the functions pertaining to said railroad, and all other corporate and other franchises, rights and privileges of the said railroad company; to take up and remove any of the track or fixtures belonging to said railroad. And the directors of said company shall prescribe all matters relating to the form and terms of said mortgages or deeds of trust, and the manner and mode for the execution of the same, and may provide for the payment of the principal and interest secured to be paid by such bonds, either by the creation of a sinking fund out of the earnings of said railroad company, or in other manner that they may deem best for the interests of said company; and said company may, by its agents, in or out of the state, sell, dispose of or hypothecate such bonds, when so issued, as aforesaid, at par or at any other price, greater or less than par, and for such sum or sums as they may think proper.

Bonds.

§ 4. And it may be lawful for the meetings of stockholders, directors or officers of said company, when so organized, to be held within or without this state, at such time and place or places as the by-laws of said company or the board of directors may, from time to time, appoint.

Meetings.

§ 5. This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 19, 1859.

In force February 12, 1859.

AN ACT to incorporate the Elgin and State Line Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That Benjamin W. Raymond, John W. Lewis, Henry K. Sheldon, Richard T. Haines, Gideon De Angelis, W. H. Smith, M. O. Halsted, John P. Yelverton, Israel Sheldon, Wm. Curtis Noyes, Dennistown, Wood & Co., Samuel Marsh, Amasa Wright, Julius Wadsworth, Oliver Bronson, James M. Halstead, John P. Turner, and their associates, successors and assigns are hereby created a body politic and corporate, under the name and style of "The Elgin and State Line Railroad Company," for the term of sixty years; and by that name they are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said company are hereby authorized and empowered, by a conveyance, properly made, executed and acknowledged, for that purpose, to receive, take and hold, unto themselves, their successors and assigns, all the estate, property, right, title and interest, both at law and in equity, which the above named Benjamin W. Raymond acquired, by virtue of a certain deed, executed to him by J. Tilden Moulton, master in chancery for the circuit court of the United States for the Northern District of Illinois, on a sale, by said master, on the 10th day of November, A. D. 1858, by virtue of a decree of said circuit court, of, in and to the whole of the Fox River Valley Railroad and appendages, situate, lying and being in the counties of Kane and McHenry, in the state of Illinois, together with the right of way and railway thereof, lands occupied thereby and superstructure and track thereon, bridges, viaducts, fences, depot grounds and buildings thereon, engines, tenders, cars, tools and machinery, composing the rolling stock of said road, together with all the rights, privileges and franchises to the said Fox River Valley Railroad Company belonging or in anywise appertaining by law, and the tolls, income and profits derivable therefrom. And the said railroad, with the appurtenances, privileges and franchises, so taken and required, the said company hereby created are authorized and empowered to use and operate in such way and manner as shall be deemed best.

§ 2. And whereas it is represented that a majority of the bondholders, creditors of said Fox River Valley Railroad Company, on whose several mortgages, by a decree of foreclosure thereon, in the circuit court of the United States,

aforesaid, the said Fox River Valley Railroad was sold, as aforesaid, and was bid in by the said B. W. Raymond, as agent and trustee for a majority of the first mortgage bondholders, prior to said sale, entered into an agreement among themselves, assented to and signed by a majority of their number, owning more than half of said secured bonds, whereby it was settled and determined in what manner and on what terms and conditions and [in] what proportion, the property of said road, so purchased, should be held and divided among the several persons or bodies politic, for whom said Raymond acted as agent and trustee, in making the purchase aforesaid; it is therefore declared to be the duty of the corporators named in the first section of this act, or the board of directors to be by them appointed, to distribute the stock of the corporation, created by this act, among the first and second class bondholders, and other creditors of the said Fox River Valley Railroad Company, in all respects in accordance with the terms of said previous agreement, giving to the first mortgage bondholders new stock, in amount equal to the amount of bonds held by them against said Fox River Valley Railroad Company, provided and on condition that they shall severally take, in addition thereto, and pay for the same, in cash, at the time of subscription, or at such time as the directors may allow, a further amount of said stock equal to five per cent. on the amount of said bonds held by them, as aforesaid; giving to the second mortgage bondholders of the new stock or interest in the road an amount equal to one-third part of the amount of bonds held by them, provided and on condition that they severally take, in addition thereto, and pay for the same, in cash, as aforesaid, a further amount, equal to ten per cent. on one-third part of the amount of the bonds held by them; but the taking of said new stock, in either case, shall not be deemed a satisfaction or cancellation, to any extent, of their said mortgage bonds. The other and unsecured creditors of the Fox River Valley Railroad Company shall be allowed the privilege of taking stock in the new company hereby created, in amount equal to one-third part of their just debts, respectively, against the said Fox River Valley Railroad Company, and ten per cent. added thereto, payable, in cash, as aforesaid, but on condition of their so paying said ten per cent. and also of receiving said stock in full payment of their said debts and all claims on said company.

Distribution of  
stock.

Other credi-  
tors.

§ 3. The corporators aforesaid, or such of them as may act under this charter, any five of whom shall constitute a quorum for the transaction of business, may meet in the city of New York, or elsewhere, as they shall, from time to time, appoint. The first meeting is hereby appointed to be held at the city of New York, on the first day of February, 1859, at ten o'clock in the forenoon; at which time, or, in



case of a failure to meet on that day, then on any other day and at a place to be appointed by any three of their number, a notice whereof shall be published, daily, for three successive days previous, in one of the city papers in said city, they shall proceed to elect a board of twelve directors, five of whom shall form a quorum to do business, who shall have power to appoint, from their number, a president, vice president, secretary and treasurer, and such other officers and agents, from time to time, from or outside of their number, as they shall deem proper, to manage the business of the company, under the direction of said board, with all the power usually exercised by such officers.

to directors.

§ 4. The directors so appointed shall hold office for one year, and until their successors shall be duly chosen, and shall, immediately; or as soon as convenient after their appointment, take measures to distribute the stock of said company, receive payment therefor, so far as required, and issue certificates of stock, in accordance with the provisions of this act and the contract above referred to.

Title.

§ 5. The corporate body created by this act, on receiving the conveyance aforesaid, shall be deemed possessed of and entitled to all the powers and franchises, rights, privileges and immunities specified in the act entitled "An act to incorporate the Fox River Valley Railroad Company," approved June 18, 1852, so far forth as conveyed to and vested in said Benjamin W. Raymond, his heirs and assigns, by said master's deed, or intended so to be, and shall exercise and avail themselves thereof, in all respects, not herein otherwise regulated, in the manner and according to the terms and provisions of said act.

power to ratify  
contracts.

§ 6. The corporation created by this act shall have power, at any time, by their directors or other properly authorized agents, to ratify and carry out the contract heretofore made and entered into by and between the said B. W. Raymond, of the one part, and the Galena and Chicago Union Railroad Company of the other part, touching the running and operating of said road, and thereafter, at any time, to enter into any new contract with said road company, or with any other person or persons, body politic and corporate, here or elsewhere, touching the same subject matter or any other matter or thing.

§ 7. This act is hereby declared to be a public act, and shall be benignly and beneficially construed, in all courts and places, in furtherance of the purposes and objects specified or intended.

§ 8. This act shall take effect and be in force immediately from and after its passage.

APPROVED February 12th, 1859.

AN ACT to incorporate the Great Western Railroad Company of 1859.

In force July  
26, 1859.

Whereas the Great Western Railroad, of Illinois, formerly the Sangamon and Morgan Railroad, is subject to certain mortgages, which are a lien in the order of priority and upon the portions of the said road as follows, to wit: *Preamble.*

*First.*—A mortgage on that part of said road being between Springfield and the Illinois river, which now stands as security for about the amount of \$41,000 in bonds. *Second.*—A mortgage on that portion of the said road being between Decatur and the Illinois river, which now stands as security for about the amount of one million dollars in bonds. *Third.*—A mortgage to secure about one million three hundred and fifty thousand dollars in bonds, being the first lien on that part of the said road being between the state line of Illinois and Indiana and Decatur, and being a second lien on that part between Decatur and Springfield, and being a third lien on that part between Springfield and the Illinois river. *Fourth.*—A mortgage to secure about seven hundred and fifty thousand dollars in bonds, being a lien on the entire road. And whereas all the rolling stock and chattels of said road were, on the sixteenth day of October, eighteen hundred and fifty-seven, sold to L. M. Wiley, under a certain mortgage thereon, and are, by said Wiley, held for the benefit of those interested under said mortgage. And whereas there are creditors of the said road who have no mortgage or other specific security for their claims, and also stockholders who have advanced large amounts employed in the construction of the said road. And whereas a large majority in interest of those having claims on the said road are desirous of effecting a just compromise of their claims and of relieving the said road from embarrassments, so that the same may be rendered useful and remunerative; which compromise is—that the first mortgage is to be paid, both interest and principal, as they accrue; that two years' interest on the said second and third mortgages is to be paid in the stock to be issued under the charter hereinafter provided for; that the amount due those interested under said chattel mortgage and the interest thereon to September 30th, 1857, is to be paid in said stock; that the holders of floating debt of the company are to be paid the same, with interest to the 30th of September, 1857, in said stock, they surrendering any bonds which they hold to secure the same; that the holders of the bonds under the mortgage of seven hundred and fifty thousand dollars, being the fourth mortgage, as aforesaid, other than those who hold the said bonds as collateral security, are to surrender the said bonds and receive the said stock therefor, such bonds being received at fifty cents on the dollar, and accrued interest to Septem-

ber 30th, 1857; that all legal demands for labor, land and cattle damages, in the state of Illinois, are to be paid in full, in cash; that all the stockholders in the old or Great Western Railroad Company are to reduce their stock seventy-five per cent., and each holder receive twenty-five dollars of new stock for each one hundred dollars of the stock of said old company. Now, therefore, for the purpose of relieving said railroad from harassing embarrassments, and to preserve to the people of this state the benefit and advantage thereof,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor of this state, for the time being, when the said compromise is substantially agreed to, or such other compromise as shall be satisfactory to the parties who are or who may become most largely interested in the said road and property thereto appertaining, of which he shall be the judge, is hereby authorized and empowered and required to issue to the following named persons, viz: John N. A. Griswold, Leroy M. Wiley, William A. White, James Dunlap, James L. Lamb, being parties largely interested, or to the survivors of them, his official certificates, certifying the fact that such compromise or adjustment of the various interests of the parties has been agreed upon, or that it has been made to appear to his satisfaction that such is the case; whereupon, the said above named persons shall become corporators, under the provisions of this act, and they and their associates, successors and assigns, shall, thereupon, become and constitute a body corporate, by the name and style of the "Great Western Railroad of 1859."

§ 2. That if, in consequence of the aforesaid or no other compromise being effected, or for other causes, the said railroad shall be sold, under or by virtue of the mortgage given to secure seven hundred and fifty thousand dollars, and in the preamble to this act fourthly mentioned, the person then being governor of this state shall be authorized and required to issue his said certificates, in the like manner, to the said John N. A. Griswold, L. M. Wiley, William A. White, James Dunlap and J. L. Lamb, or to such of them as are then living, and who shall come under and comply with the following provisions, namely: *Provided*, they become the purchasers of the said railroad at the said sale, and provided that they shall give to the said person then being the governor of this state security, to him satisfactory, that they will pay all accrued legal demands for labor and for land and cattle damages, in the state of Illinois, in full, in cash, and that they will form a new company, according to the provisions of the charter hereinafter enacted, and issue to holders of the stock of the old company one share of stock, of the par value of one hundred dollars, in the company so under said new charter to be formed, for every four shares of stock

Governor to  
issue certifi-  
cate.

Proceedings in  
case of sale.



in the old or "Great Western Railroad Company," by them surrendered in six months after said sale. But if said sale is made under the said mortgage of seven hundred and fifty thousand dollars, and the said certificates issued, as aforesaid, the said road or other property of said Great Western Railroad Company is not thereby to be relieved from any other incumbrances or liens than such as the foreclosure and sale of the said road and property would legally relieve the said road and property from; but the company hereby incorporated shall not be liable, as a corporation, to pay any debts, except such as they may contract and those provided for in this act. And the said corporators, to whom the said certificates may so as aforesaid be issued, are hereby authorized, in settlement of the then existing incumbrances and liens on the said road, according to the terms of the said proposed compromise, or otherwise, to issue stock of the said new company. Nothing, however, in this act contained shall be held, either directly or by implication, to legalize or render valid any claims against the said road or company, which, prior to this act, were not valid incumbrances or liens on the said road and property.

§ 3. That in case any claim is made against the said incorporators to whom the said certificates may be issued or against the corporation hereby authorized, for labor, land or cattle damages incurred prior to the passage of this act, and the said corporators or corporation cannot agree to the validity of such claim, that then the said claim shall be finally settled and adjusted by three commissioners, to be appointed by the governor, for the settlement of all such claims; which commissioners shall have power to examine witnesses, and their award shall have all the effect of a judgment of the supreme court of this state. Claims.

§ 4. That the following is the "Charter of the Great Western Railroad Company of 1859," in this act before referred to: 1st. That John N. A. Griswold, Leroy M. Wiley, William A. White, James Dunlap, James L. Lamb, or such of them to whom said certificate shall be issued, as aforesaid, and their associates and successors, shall, on the issuing of said certificate by the governor, as aforesaid, become a corporation, by the name of "The Great Western Railroad Company of 1859;" and, as such, shall possess the rights, powers and franchises usually possessed by railroad corporations, and all the privileges, powers, rights and franchises at any time heretofore possessed by The Great Western Railroad Company. 2nd. That the said persons to whom the said certificate shall be issued shall be the first directors of the said company, who shall elect a president and secretary from among themselves, and are empowered to issue certificates of stock, to the amount of two million five hundred thousand dollars, in shares of one hundred dollars each; and that after the issuing of certificates of stock for the whole or a part of Body corpor-  
rate.

the said amount the stockholders shall elect additional directors—each share of stock in the new company being entitled to one vote, so that the management of the affairs of the said company shall be vested in nine directors, being stockholders; and after such additional directors are elected the board of directors shall be divided into three classes, each consisting of three persons, and shall so arrange the terms of service that one class shall expire each year; and thereafter the three directors shall be elected, annually, for the term of three years; and in case of a vacancy in said board, from death, resignation or other cause, such vacancy shall be filled for the unexpired term by the said board. And the president of said company shall be elected, annually, by the board of directors, from their own number. 3rd. That the said company, hereby incorporated, shall be at liberty, with the assent of a majority in interest of the stockholders, to guarantee the bonds of any other railroad company in this state, and, also, with such consent, to lease, for a term of years, any other railroad in the state, but that the road or stock of the company hereby incorporated shall not be consolidated with any other railroad company without the assent thereto of three-fourths in interest of the stockholders of this company. And that this company shall not create any mortgage or funded debt, unless with the assent of a majority in interest of the stockholders thereof: *Provided, nevertheless*, that the said company may, at any time the bondholders assent thereto, unite into one mortgage the three or any two of the first three mortgages, now on the said road; and the said company, with the assent of a majority in interest of the stockholders thereof and the board of directors of said company, for the purpose of uniting into one, the three or any two of the first three mortgages, as aforesaid, shall have power to make, deliver and secure by mortgage of its real and personal estate, chartered rights and franchises, such bonds as may be deemed necessary to make, and dispose of and sell such bonds for the use of the said company. 4th. That on the said company being invested with the title to the said railroad, either by conveyance from the purchasers at the sale under the assignment or under the mortgage given to secure 750,000, the purchasers being the corporators herein named, or some of them, or on the said company being invested with the title to said road by the said corporators or some of them, the said corporators having acquired the title hereto by virtue of the said compromise or otherwise, then the said company shall have power to hold the said road and its appurtenances, and have all the benefits of this charter in as full and complete a manner as the same are capable of being held or enjoyed. Nothing in this act contained shall be construed to exempt the company hereby created from any liability imposed by law on the Great Western Railroad Company, in relation to the

May guarantee  
bonds.

Power to hold  
road.

making, maintaining or operating their road to Mercedosa, on the Illinois river.

§ 5. This act shall take effect immediately after its passage.

APPROVED January 29, 1859.

AN ACT to incorporate the Highland and St. Louis Railroad.

In force Feb'y  
12, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Solomon Koepfli, F. Ryhiner, Norris W. Ramsay, Garritt Crownover, Henry Hernian, Curtis Blakeman and Joseph Suppiger, and all such other persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name and style of "Highland and St. Louis Railroad Company," with perpetual succession; and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue and be sued, have a common seal, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as the same are hereinafter set forth.

Style of corporation.

§ 2. The said railroad company shall have full power and authority to locate, construct, furnish and maintain a railroad, with one or more tracks, commencing at or near the town of Highland, in the county of Madison, running westwardly on the best and most feasible [feasible] route to a point on the Mississippi river opposite St. Louis, or to extend or connect with some railroad running thereto: also, with the privilege of extending the same eastwardly to any railroad in this state or to a railroad in Indiana; and to take and carry property and persons upon said railroad, by any force or power which said company may choose to apply or use. And for the purpose of constructing said railroad, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet, through the entire line thereof; and may take and appropriate to their own use all such lands, so designated for the line and construction of said railroad, upon first paying and tendering thereof such amount of damage as shall have been settled by agreement or appraisal, in manner hereinafter provided, on all such lands so designated for the line and construction of said railroad, and all such lands as may be taken, or upon any

Where to commence railroad.

Objects or corporation and authorities granted thereunto.



track which may be located by said company; and for the purpose of embankments, cuttings, obtaining stone, gravel and sand, may take and appropriate as much more land as may be necessary for the proper construction, maintenance and security of said road; and for constructing such depots or other suitable, proper and convenient fixtures, in connection with and appurtenances to said railroad, may take, have, use and occupy any lands, upon either side of said railroad, not exceeding two hundred feet in depth from said railroad, said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided.

Authority to occupy lands adjoining said railroad track

Right of way provided for.

§ 3. The said company, and, under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands or grounds of or belonging to the state, to any person or persons, body politic and corporate, and survey and take lands of the same, or any part thereof, as they may think necessary and proper for the making of said railroad; and for all the purposes connected with said railroad, for which said corporation by the last preceding section is authorized to have, take and appropriate any lands and to fell and cut down trees or timber, standing or being within one hundred feet on each side of said line of said railroad—the damages occasioned by felling of such timber, unless otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for lands taken for the use of said railroad company; as also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above named, as well for carrying persons, goods, wares or merchandise, commodities, timber or other things, to and upon said railroad, or for the carrying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad, and to contract or agree with the owner or owners thereof for earth, timber, gravel, stone or other materials, or any article whatever, which may be wanted in the construction or repair of said railroad or any of its appurtenances; the said company doing as little damage as possible in the execution of said powers hereby granted, and making satisfaction in the manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said land.

Assessment and payment of damages.

Power of company to hold property donated or otherwise obtained.

§ 4. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of lands and real estate, for the purpose of said railroad, as may or shall be made to said company, in the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupants of any lands upon which said company wish to use or occupy for the purpose, stone, gravel or

other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said railroad, or which said company may wish to use or occupy in any manner or for any purpose connected with said railroad, for which said company is empowered and authorized by this act to take, have or appropriate any lands; and receive and take grants and conveyances of any and all interests [and] estates therein and to them and their successors or assigns, in fee or otherwise; and in case said company can not agree with such owners or occupiers of such lands, as aforesaid, so as to procure the same by voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers or any of them be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the lands or property wanted may lie or be situated, the same may be taken and paid for, if any damages are awarded, in the manner provided for in the act to provide for a general system of railroad incorporations, approved November 5th, 1849, and the several acts amendatory thereto; and the final decision or award shall vest in the corporation hereby created all the rights, privileges, franchises and immunities in said act contemplated: *And, provided*, that any appeal that may be allowed under the provisions of the above recited act or the amendments thereto or by virtue of any general law of this state, shall not affect the possession of said company of the lands appraised; and when the appeal may be taken or writ of error presented by any person or persons other than said company, the same shall not be allowed, except on the stipulation of the party so appealing or prosecuting such writ of error, that the said company may enter upon and use the lands described in the petition, for the uses and purposes therein set forth, upon said company giving bond and security, approved by the clerk of said court, that they will pay to the party so appealing or prosecuting such writ of error (all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error) within thirty days after the rendition thereof, or forfeit all right to use the lands or way so condemned.

In regard to  
appeals and  
prosecutions,

§ 5. The said company shall have the right and privilege to survey and construct the said line of road in sections of thirty miles in length, or as said company, by their directors, may decide upon, from the western terminus thereof, and finish the same and use and enjoy the benefit thereof, as soon as the same shall be so finished. The said company shall also have the power to continue the construction of said road, in sections of thirty miles or longer, at their own option, or discontinue the further construction thereof, without forfeiture of this charter; but the company shall be entitled to all the rights, privileges and immunities

Power to build  
road in sec-  
tions.

granted by this act for any section or all such sections so constructed.

Amount of capital stock.

Division of shares.

Names of commissioners to open books of subscription.

All power vested in board of directors.

Ratio of votes to shares of stock.

§ 6. The capital stock of said company shall be twenty thousand dollars for every mile of road undertaken, which said capital stock may be increased, when necessary, to any amount, not exceeding the actual estimated cost of constructing and equipping this said railroad; and subscription to the increased capital stock may be made, from time to time, as may be ordered and directed by the board of directors of said railroad company; which stock may be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such a manner and at such places as may be ordered by the board of directors, who shall have power to require the payment of stock subscribed in the manner and at the time and in such sums as they may direct: and on the refusal or neglect on part of stockholders or any of them to make payment on the requisition of the board of directors, the said board may collect the same by legal proceedings, or the share or shares of such delinquent may, after thirty days' public notice, be sold at public auction, under such rules as the directors may adopt, the surplus money, if any remains, after deducting the payments due, with the interest and necessary costs of sale, to be paid to the delinquent stockholder. The persons in the first section of this act be and are hereby appointed commissioners: a majority of whom may open books of subscription to the stock of said company; and when the sum of two thousand dollars for every mile of road in the contemplated section or sections, of stock shall be subscribed and five per cent. thereon duly paid, the said commissioners shall notify the stockholders, in the manner hereinafter provided, to elect a board of nine directors to manage the affairs of said company, and it shall be lawful for said company to commence the construction of said road.

§ 7. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of nine, and such other officers, agents and servants as they shall appoint. Vacancies in the board of directors may be filled by a vote of two-thirds of the directors remaining; such appointees to continue in office until the next annual election of directors; and which said annual election shall be held at such time and place as may be designated and fixed by the by-laws of said company, thirty days' printed notice being given in two newspapers having circulation along the line of said railroad.

§ 8. At any election held for directors, each share of stock, upon which all calls or assessments due twenty days prior to said election have been paid, shall be entitled to one vote, to be given either in person or by proxy; and the persons receiving the largest number of votes to be declared



July elected, and to hold their offices until the next annual election, and until their successors are elected and qualified. All elections for directors to be conducted by three judges, selected by the stockholders present.

§ 9. The directors are required to organize the board, by electing one of their number president, and elect a secretary and treasurer. Officers of board.

§ 10. The said company shall have power to purchase and contract for and place on the railroad hereby authorized to be constructed all machines, carriages and vehicles of every description, which they may deem necessary and proper for the purpose of transportation on said road; and they shall have power to charge tolls and transportation and rates of fare such sums as shall [be] lawfully established by the by-laws of said company.

§ 11. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state. By-laws and general rules of company.

§ 12. Whenever it shall be necessary, for the construction of said railroad, to intersect or cross a track of any other road, railroad, or stream of water, or water course, lying on the route of railroad, it shall be lawful for the company to construct their railroad across or upon the same; that for the purpose of extending their railroad across the Wabash river, the privilege of bridging said stream is hereby granted to said company: *Provided*, that the said company shall restore the road, railroad, stream of water, or water course, to its former state, or in a sufficient manner not materially to impair its usefulness: *And, provided, further*, that the bridge so to be erected across the Wabash river shall be provided with draws of sufficient width for the passage of boats or other craft navigating said stream; that the said draw shall at all times be kept in good repair, and that attentive persons shall at all times be in readiness to open the same, so as to cause as little delay as possible. Concerning the crossing other tracks and of streams.

§ 13. The said company shall, annually or semiannually, make such dividends as they may deem proper of the net profits or income of said company among the stockholders therein, in proper proportion to their respective shares. Dividends to be declared.

§ 14. If any person shall do or cause to be done, or aid in doing or causing to be done, any act or acts whatsoever, whereby any building or structure, or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, Concerning injury done to property of said company.

impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation treble the amount of damages sustained by reason of said offence or injury; to be recovered in the name of the company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

Connections  
with other  
roads or con-  
solidations.

§ 15. Said company shall have power to unite, connect or consolidate its railroad with any other railroad, now constructed or which may hereafter be constructed, either in this state or in the state of Indiana, upon such terms as may be mutually agreed upon between the companies so uniting, connecting or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection or consolidation. And the said corporation may, furthermore, lease or purchase, upon such terms as may be agreed upon, any other road or parts of road, either wholly or partially constructed, which may constitute or be adopted as a part of their main line, between the points designated in the first section of this act, and which they are incorporated to construct; and by such lease or purchase they shall acquire and become vested with all the rights and franchises pertaining to such road or part of road so leased or purchased, in the right of way, construction, maintenance and working thereof.

Leases or pur-  
chase of other  
roads.

Power to bor-  
row money  
and issue  
bonds.

§ 16. The said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing, equipping and furnishing their said railroad, and to issue and dispose of their bonds, in denominations of not less than five hundred dollars, at such rate of interest, not exceeding seven per cent. per annum, and at such discount as may be thought for the benefit of the company, and to mortgage their corporate property and franchises or convey the same by deed of trust, to secure the payment of any debt contracted by said company, for the purpose aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed, as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time, not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt. And [any] such bond that may be sold or disposed of at a less rate than par shall be as valid and binding upon said company as if the same were sold for the par value thereof.

§ 17. The said company shall commence the construction of one section of its said road within five years and complete the same within ten years from the passage of this act: *Provided*, that for every section commenced, after the first section, the said company shall finish each of said sections within five years after the said section has been undertaken. Time of beginning.

§ 18. The directors of said company shall have power, within two years after its organization, or at any time thereafter, to change the corporate name of said company, by adopting a resolution specifying such name, causing the same to be recorded in their own journal and in the several counties through which the said line of road may run, and causing the same to be published in two newspapers at Springfield, and in one newspaper in each county of the line of said road, where a newspaper is published. Power of directors to change name of corporation.

APPROVED February 12, 1859.

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AN ACT to incorporate the Illinois Farmers' Railroad Company.

In force Feb'y  
23, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William Madox, Robert Hoxsey and B. F. Dorsey, of Macoupin county, and E. W. Turner, John Epler, Benjamin C. Berry and Henry S. Savage, of Cass county, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Illinois Farmers' Railroad Company," with perpetual succession, and by that name be and they are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or in any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary or convenient to carry into effect the purposes and objects of this act, as herein set forth. Corporators.

§ 2. Said company is hereby authorized and empowered to locate, construct and complete, and to maintain, equip and operate a railroad, with a single or double track, and with such appurtenances as may be deemed necessary by the directors for the convenient use of the same, from the town of Virginia, in Cass county, by the most eligible route to the town of Carlinville, in Macoupin county, and for this purpose to enter upon and take a strip of land, one hundred feet wide, the entire length of said road, and to survey and determine the line of said road upon such route between said Powers.



points, and shall have power and authority to regulate the time and manner in which goods and effects and persons shall be transported on the same, and prescribe the manner in which said railroad shall be managed, and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and other property under its charge; and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings and machinery for the accommodation, management and operation of said road.

Surveys and  
right of way.

§ 3. That said company is hereby authorized, by its engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said line of road, and to enter upon and appropriate to its exclusive use and control, all and singular, any lands, streams and materials of every kind for the location of depots and stopping stations, for constructing bridges, dams, embankments, excavations, station grounds, spoil-banks, turn-outs, engine houses, shops and other buildings necessary for constructing, completing, altering, maintaining, preserving and complete operations of said road; but when said lands, streams or materials belong to any person or persons, company or corporation, and cannot be obtained by contract, grant or release, the same may be taken and paid for, if any damages are assessed, in the manner provided for taking lands for the construction of public roads, canals and other public works, as prescribed in the act concerning right of way, approved March 3d, 1845, or in the manner and upon the principles provided and contained in "An act to amend the law condemning right of way for purposes of internal improvements," approved June 22, 1852, or as provided in any other general act relating to the same subject; and when the damages assessed, if any, are paid or tendered, the said lands, streams and materials shall be vested in said company: *Provided*, that if the owners of any lands, streams or materials taken for the purposes provided in this section or in other sections of this act, shall appeal from the assessment of damages for taking the same, the said company may tender to the owner or pay to the clerk of the court to which the appeal is taken, for the use of the owner or owners, the amount of damages assessed, and file with the clerk of said court a bond, with security, to be approved by him, for the payment of such additional damage and costs as may be awarded against said company on the trial of said appeal; then said company may take possession of and hold, for its exclusive use, such lands, streams or materials, in the same manner as if said appeal had not been taken: *Provided, further*, that a deposit of the amount assessed as damages as aforesaid, with the clerk of the circuit court of the county where such lands, &c., are situated, for the use of the owner

of such lands, &c., shall be equivalent to a tender of such amount so as to authorize said company to take and hold such lands.

§ 4. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, may open books for subscriptions to the capital stock of said company, giving notice of the times and places when and where said books will be opened, at least thirty days previous thereto, by publication of one newspaper published in each of the counties of Morgan, Macoupin and Cass, if there be a newspaper then published in each county. The said commissioners, or a majority of them, shall attend at the places appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agent or agents as they shall appoint for that purpose, until the sum of one hundred thousand dollars shall have been subscribed; and as soon as said sum shall be subscribed, the said commissioners shall give twenty days' notice in a newspaper published in each of said three counties, of an election by said stockholders of a board of directors, as herein provided for, for the management of said company's affairs. At such time and place, so appointed for that purpose, the commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect three directors by ballot; and the commissioners present shall certify the result of such election, under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of directors therein named. No person shall be a director who shall not have subscribed as many as five shares to the capital stock. The directors thus elected shall hold office for one year, and until their successors are elected and qualified. Said commissioners shall deliver said certificate and all the subscription books and moneys received to said directors. Commissioner

§ 5. The capital stock of said company shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the board of directors of said company to any sum deemed necessary, in the discretion of said board, to complete the works herein authorized, and the same shall be subscribed for and taken, under the direction of said board, at such times and in such places and manner as the said directors shall, from time to time, direct. Capital stock.

§ 6. The affairs of said company shall be managed by a board of three directors, to be chosen annually by the stockholders from among themselves. At all elections for directors, each stockholder shall be entitled to one vote for each share of stock held by him, and may vote personally or by proxy; and a plurality of the votes given at any election shall determine the choice. The directors shall hold their Directors

offices for one year after their election and until their successors are elected and qualified, and shall elect one of their number as president of said board; and in case of any vacancy occurring in said board, between elections, the same may be filled by the board, at any legal meeting of the directors; and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board, the directors shall have power to elect a president *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said board. The board of directors may call special meetings of stockholders for the election of directors, if their number is increased, or for other purposes.

Calls.

§ 7. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such times and in such amounts as they shall deem fit, giving at least twenty days' notice of each of said calls, by personal service or by publication in a newspaper in the county in which the stockholder resides or in which the subscription was made; and in case of failure on the part of any stockholder to make payment of any call, made as aforesaid, by said directors, for sixty days after the same shall have been due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon, forfeited to the company; or said directors may enforce the payment of the whole amount subscribed by any stockholder, by suit.

Borrow money

§ 8. Said company is hereby authorized and empowered to borrow, from time to time, such sum or sums of money as in their discretion may be deemed necessary, to aid in the construction, completing, equipping, operating or repairing of said railroad, and to issue its bonds, payable within or without this state, bearing any rate of interest not exceeding ten per centum per annum, and to sell and dispose of the same at, above or below par, as may be agreed on, for any amount so borrowed or obtained therefor; and all sales of bonds that may be made at less than their par value shall be good and valid and binding upon said company, the same as if said bonds had been sold at par; and said company shall not have the right to put in a plea of usury in any action founded upon any of said bonds.

Consolidation.

§ 9. It shall be lawful for said company to unite or consolidate with any other railroad or company which may have been or may hereafter be incorporated by this state, on the line or route or at either terminus of its said road, and to grant to such company the right to construct or use any portion of said road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between said companies, and also to purchase or lease all or any part of any other railroad which is or hereafter may be built in this



state on the line or route of its road, sell its road, franchises, real and personal property, to any other company or companies which may have been, or may hereafter be incorporated by this state, upon such terms as may be mutually agreed upon between said companies.

§ 10. Said company shall have authority to construct its road on or across any stream of water, water course, road, highway, railroad or canal, which the route of said road shall intersect, but the company shall restore the stream or water course, road or highway thus intersected, to its former state, or so near thereto as not materially to impair its usefulness. Whenever the said railroad shall intersect a road or highway, the company shall have power to change the line of the road or highway, if said change shall not materially impair the usefulness of such road or highway; and the company may take such additional lands as may be necessary for the change of said road or highway, making compensation therefor, to be ascertained as in other cases provided in this act.

Water courses,  
roads, &c.

§ 11. Any person who shall willfully injure or obstruct said road or any part of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum threefold the amount of damages occasioned by such injury or obstruction, to be recovered in an action of debt, in the name of said company, with costs of suit, before any justice of the peace, or before any court of record in this state.

Injuries

§ 12. Said company shall have power, by mortgage or deed of trust on its railroad and the rents and profits thereof, and on all or any part of the property, real or personal, or franchises, owned by said company, to secure the payment of its bonds issued by virtue of the provisions of this act, or such sums of money as said company may agree to pay, for all or any of the purposes connected with the construction or operation of its said railroad herein authorized to be constructed.

Mortgage.

§ 13. Said company shall have power to make and ordain such rules and by-laws as may be necessary or expedient for the government of the company, its servants and agents; and the certificate of the secretary or principal clerk of the company, under the corporate seal of the company, shall be received in all courts and places as evidence of said rules and by-laws, the appointment of agents or officers, or of any order of the company, and also of the due organization thereof.

By-laws.

§ 14. The said board of directors shall have power to appoint all necessary clerks, secretaries and all other officers and agents necessary in the transaction of the business of said company.

Officers.

§ 15. The stock of said company is hereby declared to be personal property, and transferable in such manner as shall be provided by the by-laws of the company.

Transfer.

Real estate.

§ 16. Said company shall have power to have, receive, hold, sell and dispose of any donations of real or personal property, for the use of the company, and to acquire by purchase and hold real estate for the use of said company, in the constructing or operating said railroad, or to sell and convey the same, if found not necessary or proper to be retained.

Time.

§ 17. Said company may commence building its road at any time within five years from the passage of this act, and shall own and operate such part as may be completed, notwithstanding the whole road may not be finished.

Subscriptions.

§ 18. Said company is hereby authorized to receive subscriptions to its capital stock, payable at any time or in any manner that may be specially agreed upon by the company and the subscriber.

County, city or town subscriptions.

§ 19. Elections may be held by or in any county, city or incorporated town situated on or near the line of said railroad, as the same may be surveyed or located hereafter, upon the question whether such county, city or town shall subscribe for any specified amount in shares of the capital stock of said company. Twenty days' notice shall be given of the time of holding such election, and the election shall be conducted in the mode prescribed in an act entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,' " approved November 6, 1849, or in the mode prescribed in any other general law relating to such elections, or in the mode in which county, city or town elections are usually conducted; and if a majority of the votes actually cast at any such election shall be "for subscription" it shall be the duty of the county court (or board of supervisors, where township organization exists,) or the corporate authorities of such county, city or town to subscribe, without unnecessary delay, upon request of said company, for shares of said capital stock, to the amount so voted, and to issue and deliver to said company, without unnecessary delay, the same amount (as the stock so subscribed,) of the bonds of such county, city or town, as the case may be, payable at any time specified, in not exceeding twenty years from their date, with annual or semi-annual coupons, for not exceeding ten per centum interest per annum attached; which bonds and coupons may be made payable within or without this state, as said company may request; and the provisions of the above mentioned act, approved November 6, 1849, except such as are inconsistent with the provisions of this act, shall apply to and govern every election referred to in this section, in getting up the election and the other matters connected with or growing out of such election; but this act shall govern said elections, so far as it is applicable to them.

Notice of elections.

§ 20. It shall be the duty of such county court, board of supervisors, city or town corporate authorities, to order

the holding of such election and give notice thereof, upon being requested so to do, by one-fourth of the legal voters of such county, city or town, as the case may be.

§ 21. Said company may bring suit against any of its stockholders for capital stock or upon any other claims or demands against stockholders or other persons, in any county in which the stock may have been subscribed, or in which the cause of action may have arisen or accrued, although the defendant or defendants may reside in a different county or counties; and no stockholder or officer of the company shall, on account of his being such stockholder or officer, be incompetent to testify as a witness, or to act in any ministerial capacity in any suit or other legal proceeding in which the company may be interested or to which the company may be a party: *Provided*, that nothing in this section shall authorize any person to testify for himself or herself in any suit brought against such person by the company or against the company by such person. Suits.

§ 22. The said company shall carry and transport the mail of the United States, on such terms as may be agreed upon, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies. Mails.

§ 23. There shall be one resident director of said company in Cass county, one in Morgan county and one in Macoupin county; and when the removal of any director from either of said counties leaves such county without a resident director such removal shall, of itself, constitute a vacancy in the board, to be filled as other vacancies; and all appointments and elections contrary to the letter and spirit of this section shall be null and void, and in all appointments and elections of directors one only shall be appointed or elected at a time, before the appointment or election of another is acted on; at least this course shall be pursued until each of said counties has secured or obtained one resident director. Resident directors.

§ 24. The board of directors may, by an order, to be entered of record by the secretary, in the book he keeps for recording the proceedings of the board in, authorize all subscriptions made or to be made to the capital stock of the company, in any one county, or specially made to be extended in such county, situated on or near the line or route of said road, as the same may be surveyed or located, to be exclusively expended for the construction of that part of said road which lies within such county; which order shall be binding in law, and such subscriptions expended accordingly; and in every such case the directors may make calls of the stock subscribed in or by such county, or specially made to be expended in such county, without making the same calls on other counties or the stockholders residing Expenditures.



therein; and every such county shall constitute a separate division of the road, to be called by an appropriate name, according to the provisions of such order of the board; and such division may be constructed, completed and operated separately, until an adjoining part or division shall be ready for being operated; after which such separate division shall be operated in connection with such adjoining part, division or divisions, and the provisions of this section shall apply to each county on the line of the road.

Location.

§ 25. It shall be a sufficient compliance with this act for said company to locate, construct and operate its railroad from any point south of Virginia, on the line or route of the Illinois River railroad, as the same has been surveyed or may be located, not exceeding eight miles south of Virginia, to said town of Carlinville: *Provided*, that said company shall construct its road, with reasonable dispatch, all the way to Virginia, unless the Illinois River road shall be completed as far south as the point of intersection provided for in this section by the time said road from Carlinville to said point of intersection shall be completed.

Right of way.

§ 26. The right of way and the real estate purchased by said company, or donated to it, or which shall become its property by operation of law, whether by mutual agreement or not, shall, upon the payment of the amount due therefor, if anything, to the owner or owners, become vested in said company in fee simple.

Tax.

§ 27. In all cases where subscriptions of stock shall be made to said company by any county, city or town, in pursuance of a vote of the county, city or town, it shall be the duty of the county court, (or board of supervisors, where township organization exists,) city or town corporate authorities, respectively, to levy a sufficient tax to pay the interest on the bonds to be issued for said stock; which tax may, from time to time, be increased or diminished, so as to produce sufficient funds for the payment of said interest as it shall become due.

Public act.

§ 28. This act shall take effect and be in force from and after its passage, and shall have the force and effect of a public act, and shall be so deemed and taken notice of in all courts and places, but may not be published with the public laws.

Extension.

§ 29. Said company shall have power and authority to construct, complete, equip and operate an extension of its railroad from Carlinville to Staunton, in Macoupin county, and thence by the route or line that the board of directors shall deem and determine to be the most eligible or advantageous, to any point on the Illinois Central railroad in Perry county, or to any point on the Illinois Central railroad, at or south of the town of Centralia, that the directors may select and determine upon, and for this purpose said company shall have and may exercise and enjoy all the

rights, powers, privileges, immunities and franchises hereinbefore conferred upon it, for the construction, equipment and operation of its railroad from Virginia to Carlinville; and all and singular the provisions of this act shall apply to and govern said company in the construction of said extension, or any part thereof, and shall apply to and govern counties, cities and incorporated towns, and the corporate authorities thereof.

APPROVED February 23, 1859.

AN ACT to further amend the charter of the Illinois River Railroad Company. In force Feb'y 14, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Illinois River Railroad Company, as the same is at present organized under the provisions of an act entitled "An act to construct a railroad from Jacksonville, in Morgan county, to La Salle, in La Salle county," approved February 11th, 1853, and the other acts of said general assembly amendatory of said original act or charter of said company, shall not only have the powers, rights and privileges conferred by said "original act" and the other acts amendatory thereof, but, in addition thereto, shall have authority to make and issue preferred stock, guaranteeing such a rate of interest, not exceeding ten per centum per annum, or with such priority over the remaining or other stock of said company, in the payment of dividends, as the board of directors of the company may determine upon. Preferred stock.

§ 2. The said company may bring suit against any of its stockholders for capital stock, or upon any other claims or demands against stockholders or other persons, in any county in which the stock may have been subscribed or in which the cause of action may have accrued or arisen, although the defendant or defendants may reside in a different county or counties; and no stockholder or officer of the company shall, on account of his interest in the stock or in the affairs of the company, be incompetent to testify as a witness or to act in any ministerial capacity in any suit or other legal proceeding to which said company may be a party or in which it may be interested: *Provided*, that nothing in this section shall authorize any person to testify as a witness for himself or herself in any suit brought directly by the company against such person or by such person against the company. Suits. Proviso

§ 3. In all cases where the principal or interest of any county, city or town bonds, issued to said company by virtue of a vote of the legal voters of such county, city or town, has been or shall be made payable in the city of New York, Bonds.

such bonds shall not on that account be deemed invalid, but the principal and interest shall be deemed payable as specified in such bonds.

Mails.

§ 4. Said company shall carry and transport the mail of the United States, on such terms as may be agreed upon, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies.

Special elections. elec.

§ 5. Special elections may be held by or in any county, city or incorporated town, situated on or near the route of said railroad, as the same has heretofore been or may hereafter be surveyed or located, in whole or in part, from or between the city of Peoria, in Peoria county, and the town of Jacksonville, in Morgan county, upon the question whether such county, city or town shall subscribe for any specified amount in shares of the capital stock of said company. Twenty days' previous notice shall be given of such elections; and the same shall be conducted in the mode prescribed in an act of said general assembly, entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,'" approved November 6, 1849, or in the mode prescribed in any other general law of this state relating to the same subject, or in the mode in which elections are usually conducted in such counties, cities or towns, respectively; and if a majority of the votes actually cast at any such election shall be "For Subscription," it shall be the duty of the county court, or the corporate authorities of such city or town to subscribe, without unnecessary delay, upon request of said company, for shares of said capital stock, to the amount so voted, and to issue and deliver to said company, without unnecessary delay, the same amount (as the stock so voted) of the bonds of such county, city or town, as the case may be, payable at any time specified, in not exceeding twenty years from their date, with annual or semi-annual coupons, for not exceeding ten per cent. interest per annum, attached; which bonds and coupons may be made payable within or without this state, as said company may request; and the provisions, so far as applicable, of the above mentioned act, approved November 6th, 1849, except such as are inconsistent with the terms or provisions of this act and of any other act amendatory of the said charter of said company, shall apply to and govern the proceedings in getting up and holding every such election, and the other matters relating to and growing out of such election; but this act shall govern all such matters, so far as the same is applicable.

Resident directors.

§ 6. There shall never hereafter be such a change, by election, appointment or otherwise, in the organization of the board of directors of said company as will deprive either of the counties of Tazewell, Mason, Cass or Morgan of having at least one resident director of said board; and in



case any director now residing in either of said counties shall remove therefrom, so as to leave such counties without a resident director, such removal shall of itself constitute a vacancy in said board, to be filled as other vacancies; and all appointments or elections, to fill vacancies, at annual elections or otherwise, contrary to the letter and spirit of the provisions of this section, are hereby declared to be null and void; and in order to carry said provisions into effectual operation it is hereby provided that in all appointments and elections of directors one director only shall be appointed or elected at a time, before the appointment or election of any other shall be acted upon.

§ 7. The board of directors may make by-laws, so as to By-laws. change the times and mode of holding elections of directors, or so as to dispense with annual elections of directors; which by-laws shall be binding upon the stockholders, if the holders of a majority of the shares shall consent thereto; which consent may be given at a public meeting of the stockholders or otherwise, in writing; and such consent, on the part of any county, city or incorporated town, may be proved by the certificate of the clerk of the county court or clerk or other proper keeper of the seal of the city or town, or by the certificate or signature of the person or persons appointed to represent such county, city or town, by voting, or by signing such consent; and upon its being decided by the board of directors that the holders of a majority of the shares of the stock have given such consent the secretary shall record such decision in the book he keeps for recording the proceedings of the board in; which decision shall thereafter be binding upon the company and its stockholders, and the certificate of the secretary, under the corporate seal of the company, shall be complete proof of such decision and consent.

§ 8. The board of directors of said company may make Location. such changes in the location of its railroad, or of any station or depot, turn-out or switch thereon or connection therewith, as the same has been or shall be located, as will, in the opinion of the board, promote the interests of the company.

§ 9. Special elections shall be ordered to be held and Special elections. elec- notice thereof given by the county court, city or town corporate authorities, upon such court, city or town authorities receiving a petition requesting them to order such election from one-fourth, (1-4) of the legal voters of such county, city or town.

§ 10. Said company may build, complete, equip and Branch road. operate a branch railroad from the town of Virginia to the town of Arenzville, in Cass county; and for this purpose shall possess, enjoy and may exercise all the privileges, immunities, rights and powers granted by this act and the aforesaid original act or charter and the other acts amendatory thereof.

§ 11. All the provisions in this act relating to county courts shall apply to and govern the board of supervisors in any county where township organization may exist.

§ 12. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1859.

In force Feb'y  
14, 1859.

AN ACT to amend an act entitled "An act to construct a railroad from Jacksonville, in Morgan county, to Alton, in Madison county," approved February 15, 1851, and other acts amendatory thereto.

Consolidation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Jacksonville, Alton and St. Louis Railroad Company, in addition to the powers granted by the act to which this is an amendment, as well as the amendments, approved February 11th, 1853, February 27th, 1854, and February 7th, 1857, are hereby authorized to unite or consolidate their railroad, for running purposes, operation or business, with any railroad constructed or to be constructed, such terms as may be mutually agreed.

Contract.

§ 2. The said corporation is hereby authorized to contract with any railroad corporation now operating or chartered or which may hereafter be operating or chartered, between Alton and Illinoistown, for the running of trains over and use of their road, depots, buildings and all other appurtenances connected therewith, or for the purchase, in whole or in part, or may subscribe or purchase stock, or become otherwise interested in any such railroad corporation, as aforesaid, or may make such other arrangements and contracts, for the use and occupancy of such railroads and appurtenances as may be deemed necessary for the operating and business of the said corporation.

May unite with  
St. Louis, A.  
and Chicago  
R. R.

§ 3. The said corporation is hereby authorized to unite and connect its railroad with the St. Louis, Alton and Chicago Railroad, at any point, within ten miles of the city of Alton, upon such terms as may be mutually agreed upon; and if any such connections be made the said corporation shall not be obliged to construct its road to either Alton or Illinoistown, or they may, by mutual agreement and contract with the said St. Louis, Alton and Chicago Railroad Company, build and maintain a separate track-way along side of said road from the point of intersection into the city of Alton, or may make such other contracts or arrangements for the joint occupancy and use of said St. Louis, Alton and Chicago Railroad, depot, switches and appurtenances as may be mutually agreed upon.

§ 4. The said corporation may construct their road on or across any stream of water, water course, road or highway, railroad or canal, or street, levee or alley, in any city or town, which the route of its road shall intersect; but the corporation shall restore the stream or water course, road or highway, railroad or canal, street, levee or alley, thus intersected, to its former state, or in a sufficient manner not to have materially impaired its usefulness. Whenever the route of said railroad shall intersect any road or highway, railroad, street, levee or alley, the said corporation shall have power to change the line or grade of same, if such change be desirable and shall not impair their usefulness; and said corporation may take such additional lands or real estate, for the construction of such road, highway, railroad, street, levee or alley, or water course, as may be deemed requisite by said corporation. Unless the land so taken shall be voluntarily given compensation therefor shall be ascertained in the manner as provided in the original charter, the several amendments thereto, and also this amendment, as nearly as may be, and duly made by said corporation to the owner or persons interested in such lands the same, when so taken, to become part of such intersecting road, highway, railroad, canal, street or alley, or water course, in such manner and by such time as the adjacent parts of the same highway, railroad, road, street or alley, may be held for highway or other purposes.

Streams and roads.

§ 5. That in all proceedings had or hereafter to be had for right of way or condemnation of real estate, for any purpose, to the use of said railroad corporation, after any assessment or nonassessment of damages in the premises, by commissioners or appraisers, and any appeal, or other proceedings in the premises, by either party, the said company may proceed with their enterprise, if they will give bond and security, in a sufficient amount, to be approved by the clerk of the circuit court of the proper county, conditioned to pay to the owner or owners of such real estate all costs and damages that may thereafter be legally taxed and assessed in the premises against said corporation.

Right of way.

§ 6. Whenever any real estate or securities of any kind shall or may be mortgaged or pledged to said corporation, to secure the payment of any debt due or to become due to them, they shall be and are hereby authorized to purchase, take and hold the said real estate or securities, and to acquire the same, by contract, or purchase, or sale, made in pursuance of any judgment at law or any decree of a court of equity, or otherwise, and also to purchase and hold such other real estate as may be deemed necessary for the interest of said corporation, and shall, also, be authorized to sell and convey, by deed, in fee simple, all lands, town lots or other real estate belonging to or acquired by said corporation or which may hereafter be acquired by purchase, donation or

Mortgages.



otherwise, which, in the judgment of its board of directors, is not needed for the purposes of said corporation. And in all sales, deeds of trust or mortgages of real estate by said corporation, the conveyances shall be made in the corporate name thereof, signed and acknowledged by the president, under the seal of the corporation, and attested by the secretary thereof.

Act applicable.

§ 7. The provisions of an act entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,'" approved November 6th, 1849, and also of "An act to facilitate the construction of railroads," approved March 1st, 1854, are hereby declared and made applicable to each and every town now incorporated, or that may hereafter be incorporated, situated at either end or on the line of the Jacksonville, Alton and St. Louis Railroad, or within two miles thereof, as the same has been heretofore surveyed or may hereafter be surveyed and located; and the corporate authorities of any such town may order an election or elections to be held in such town, by the legal voters thereof, upon the question, whether the town, in its corporate capacity, will or will not subscribe to the capital stock of "The Jacksonville, Alton and St. Louis Railroad Company," any sum not exceeding twenty-five thousand dollars. And in case any such election shall be held the same shall be conducted as the town elections. And if at any such election a majority of the voters voting shall be in favor of making such subscription the provisions of the two acts recited in this section and also of all other general laws relating to subscriptions by counties or cities to the capital stock of railroad companies shall apply to and govern the corporate authorities of such town in making such subscriptions, so far as the same is applicable, and in all the subsequent proceedings relating thereto and the rights of such town against said company shall be the same, with the like remedies to enforce such rights, as the rights and remedies of counties in cases of county subscriptions.

Preferred stock.

§ 8. The said corporation are hereby authorized to make and issue preferred stock, guaranteeing such a rate of interest, not exceeding eight per cent. per annum, or with such priority over the remaining stock of such corporation, in the payment of dividends, as the directors of said corporation may determine. And the said board of directors may make such by-laws and regulations, necessary to give and secure to each original stockholder in said corporation a free pass over the said railroad, when completed, so long as such person may continue the *bona fide* owner of such original stock: *Provided*, that no free pass shall be issued to any such stockholder unless he is the owner of at least five shares of said capital stock.

Suits.

§ 9. Said corporation may maintain suits against stockholders, for nonpayment of capital stock or for any other

demands or claims against other persons, in any county through which their road passes; and no stockholder or other person interested in the affairs of the said corporation shall be incompetent to testify as a witness or act in any ministerial capacity in any proceeding, legal or otherwise, where the said corporation may be a party.

§ 10. The said corporation is hereby authorized, from **Borrow money** time to time, to borrow such sum or sums of money, on the credit of the corporation, as may be necessary for completing, furnishing or operating their said railroad, or for any other purpose connected therewith, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually or annually, and may execute bonds therefor, with interest coupons thereto annexed, and secure the payment of the same, by mortgage or deed of trust on the whole or any part of their said railroad and corporate property, franchises and income of said corporation, then existing or thereafter to be acquired, and may annex to said mortgage bonds the privilege of converting the same into the capital stock of the corporation, at par, at the option of the holders, if such election be signified, in writing, to the corporation, at any time, not exceeding five years from the date thereof. The said bonds and interest may be made payable, either within or without this state; and if the payment of the moneys thereby secured shall be afterwards enforced by a sale of the property thus conveyed by mortgage or deed of trust such sale shall convey to the purchaser or purchasers the right to hold and exercise the said franchises as fully as the same right was possessed by said corporation; and in any case where the rolling stock, equipments or other personal property of said corporation, or any part thereof, shall be included in any mortgage or deed of trust, as aforesaid, the said mortgage or deed of trust shall be acknowledged by the said corporation in the same manner, and recorded as provided by law, shall be as binding upon the said corporation and have the same force and effect, in every respect, as if the same were upon real estate alone, any law of this state to the contrary notwithstanding.

§ 11. That the directors of said corporation be and they **Bonds.** are hereby authorized to negotiate and sell the bonds of the said corporation at such times and in such places, either within or without this state, and at such rates and for such prices as, in their opinion, will best advance the interest of the corporation; and if such bonds are thus negotiated or sold at a discount below their par value, such sale shall be as valid and binding on the company, in every respect, as if they were sold or deposited at their par value.

§ 12. That the said corporation, in securing the payment **Mortgage.** of said bonds, by a mortgage or deed of trust on the road, property, franchises and income of the corporation, shall have power to execute a mortgage or deed of trust aforesaid,

to secure the payment of the full amount of bonds which the corporation may at the time of said mortgage or deed of trust bears date, or at any time thereafter, desire to sell and dispose of, and may execute and sell, from time to time, such amounts of said bonds and of such dates and payable to such persons as the directors of said corporation may deem advisable, till the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold; and the said mortgage or deed of trust shall be as valid and effectual to secure the payment of the bonds so executed and sold and every part thereof as if the same and every part thereof had been executed of even date with the said mortgage or deed of trust.

County, city or  
town subscrip-  
tions.

§ 13. That in all cases where subscriptions of stock and the bonds for same have been issued and delivered to said corporation by any county of this state, in pursuance of a vote of such county thereof—all of which said subscriptions, bonds and all other proceedings therein are hereby declared legal and valid; and in subscriptions by counties, incorporated cities or towns, past or prospective, it shall be the duty of the county court of each county and the corporate authorities of each city or town, respectively, and they are hereby directed and authorized, to levy a sufficient tax to pay promptly the interest and principal, as the same matures and becomes due, on all the bonds which may have been heretofore issued or may be hereafter for said stock; which tax shall be collected in the same manner and at the same time as the taxes are collected for other purposes, and shall remain in force until said bonds are all paid off and discharged; and said tax may, from time to time, be increased or diminished so as to produce sufficient funds for payment of said interest and principal of said bonds. And the said county, city or town authorities shall also be empowered to purchase and cancel any of said bonds at any time, when there may be funds in the treasury, not otherwise appropriated, at such prices as they deem consistent with the best interests of the counties, cities and towns, respectively. And all the counties through which the survey and location of the railroad of said corporation passes are hereby authorized and empowered, in their corporate capacity, to subscribe and take such additional stock, not exceeding one hundred thousand dollars, in the capital stock of the Jacksonville, Alton and St. Louis Railroad Company, as a majority of the legal voters voting may determine at any election or elections which may be held for that purpose, as provided by law.

Elections.

§ 14. In every case where an election shall be held by or in any county, city or incorporated town, situated on or near the route of said railroad, as the same has been or may hereafter be surveyed and located, in whole or in part, between Jacksonville and Illinoistown, upon the question whether such county, city or town shall subscribe for any



specified amount in shares of the capital stock of said company, said election shall be legal and binding upon such county, city or town, if notices thereof are given and the election is conducted in the mode prescribed in an act entitled "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,'" approved November 6th, 1849, or in the mode prescribed in any general law of this state, relating to the same subject, or in the mode prescribed in any of the acts amendatory of the charter of said company; and if a majority of the votes cast at any such election shall be "For Subscription," it shall be the duty of the county court, or the corporate authorities of such city or town, to subscribe, without unnecessary delay, upon request of said company, for shares of said capital stock to the amount so voted, and to issue and deliver to said company the same amount as the stock so subscribed of the bonds of such city, county or town, as the case may be, payable at any time specified, in not exceeding twenty years from their date, with annual or semi-annual coupons, for not exceeding ten per cent. interest per annum, thereto attached, which bonds and coupons may be made payable either within or without this state, as said company may request; and all the provisions of the above mentioned act, approved November 6th, 1849, which are not inconsistent with the provisions of this act and of the other acts amendatory of the charter of said company, shall apply to and govern every election referred to in this section, and the subscribing for stock and issuing of bonds, by virtue of such election, and all other matters relating to such elections and the proceedings thereunder or by virtue thereof.

§ 15. The said company shall carry and transport the Mails. mails of the United States, on such terms as may be agreed upon, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies.

§ 16. In all cases where the principal or interest of any Bonds. county bond issued to said company, by virtue of a vote of the legal voters of such county, is made payable in the city of New York, such bond shall not on that account, be deemed invalid, but the principal and interest shall be deemed payable in such bond as specified.

§ 17. This act shall be deemed a public act, and shall be so received and taken notice of in all courts and places, and shall take effect and be in force from and after its passage.

APPROVED February 14, 1859.

In force February 21, 1859. AN ACT to further amend the charter of the Jacksonville and Savanna Railroad Company.

Organization  
legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Jacksonville and Savanna Railroad Company, as the same is at present organized under the provisions of an act entitled "An act to incorporate the Jacksonville and Savanna Railroad Company," approved February 14th, 1855, is hereby declared to be legally organized; and said company shall not only have the rights, powers and privileges conferred by said act, but in addition thereto, shall have power and authority to have, receive, hold, sell and dispose of any donations of real and personal property, for the use of said company, and to acquire, by purchase, and hold any real or personal property for the use of said company, in constructing or operating said railroad, or to sell the same, if found not necessary or proper to be retained for that purpose.

Subscriptions.

§ 2. The board of directors of said company shall have power, from time to time, to open subscription books, in which to fill up subscriptions to the capital stock of said company. And may obtain subscriptions, by agents or otherwise, to any amount or amounts, not exceeding three millions of dollars; and it shall be lawful for the said board to require payment of the sum or sums subscribed to said capital stock, at such times and in such proportions, and on such conditions and from such stockholders as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required as herein provided for.

Bonds.

§ 3. The said Jacksonville and Savanna Railroad Company shall have power to issue its bonds in sums not less than five hundred dollars, for each bond, bearing interest at not exceeding ten per cent. per annum, for such amount as may be necessary to construct, complete, equip and put into full operation, the whole or any part or parts of its said road from Jacksonville, in Morgan county, by Liverpool and Canton, in Fulton county, to Savanna, in Carroll county, and, also, to Galena, in Jo Daviess county; and to sell said bonds at, above or below par, and on such terms as said company may determine or agree on; and said company shall never interpose the plea of usury in any action upon any of said bonds, even though they should be sold below par, within or without the limits of this state.

Mortgage.

§ 4. Said company shall have power to mortgage or make deeds of trust on all or any part of the property or franchises owned by said company, to secure the payment of such bonds as said company may issue or such sums of money as said company agree to pay, for any purposes connected with the construction or operation of the railroad aforesaid; and it may be provided in said deed of trust or

mortgage or in any contract, that the board of directors of said company may make for the sale of said bonds, or for the purchase of rails, or other materials for constructing said road, or for rolling stock; that all or any part of the net revenue of said railroad shall be inevitably pledged and exclusively assessed, annually or semi-annually, to the payment of the principal and redemption of said mortgage, bonds or any part thereof; and all such contracts shall be legal and binding.

§ 5. The said company shall [have] power, from time to time, to make and ordain such rules and by-laws and alter and amend the same, as may be necessary for the government of the company, its servants and agents; and the certificate of the secretary or principal clerk of said company, under the seal of said company, shall be received in all courts and places as evidence of said rules and by-laws, the appointment of agents or officers, or any order of said company, and also of the due organization thereof: *Provided*, that the board of directors of said company may make one by-law which shall be irrevocable by said board, to wit: a by-law providing that a majority of two-thirds of the directors of said board shall be residents of the counties through which the line of said road passes, and that a change of the residence of any director from the counties on said line shall, of itself, make the office of such director vacant, which vacancy shall be filled as in other cases; and after the adoption and entering of said by-law upon the minutes of the proceedings of said board, by the secretary of the company, the same shall become and remain in full force until repealed by the general assembly.

By-laws.

§ 6. When said company shall have decided to unite its road with any other railroad authorized to be built, but not completed, the said company may make such contract in regard to the building of said road, at the joint expense of the two companies, as to them may seem just and equitable.

Contract.

§ 7. Said company shall have power to consolidate or otherwise unite its railroad or its railroad property and franchises, with the property, franchises and railroad of any other railroad company or companies, now constructed or which may hereafter be constructed within this state, on the route or at either terminus of said railroad upon such terms as may be mutually agreed upon between the companies so connecting; and full power is hereby given to said company to make and execute such contracts with any other company or companies as will secure the objects of such consolidation or connections.

Consolidation.

§ 8. The said company is hereby authorized to receive subscriptions to the capital stock of the company, payable at any time or in any manner that may be specially agreed upon by the company and the subscribers thereof; and said agreement may bear such interest as may be contracted for;

Special subscription.



and for securing the payment of the same the said company may take the land or lands of said subscriber or subscribers, and a mortgage or mortgages, deed or deeds of trust, upon real estate. Upon a failure to pay any sum or sums of money agreed to be paid, as aforesaid or the interest on the same, as the same may accrue, the said company may foreclose such mortgage or mortgages, or sell and convey the real estate, agreeably to the provisions of said deed or deeds of trust. The bonds or mortgages or deeds of trust, herein provided for, may be assigned or transferred by the said company, and such assignment shall vest in the assignee or assignees the legal title thereto.

§ 9. The said company may, if it deems it advisable, locate, construct, fully complete and operate said road, or any part or parts thereof, by or in divisions of such length and with such names or numbers as may, by order of the board of directors, be determined upon.

Bridge.

§ 10. Said company is authorized to build a railroad bridge across the Illinois river, at or near Liverpool, leaving a sufficient draw and space for the safe passage of steamboats and other river craft, and not making any material obstruction to the navigation of said river.

Mails

§ 11. The said company shall carry and transport the mail of the United States, on such terms as may be agreed upon, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies.

Stock

§ 12. That the board of directors are hereby authorized to make and issue calls for the payments of stock that have been or may hereafter be subscribed to the capital stock of the company, in such manner, at such time and in such localities as may, in the opinion of the board of directors or a majority thereof, be for the best interests of the company, or as may be agreed upon between the subscribers and the company.

Constitution.

§ 13. That the board of directors of said company, or a majority thereof, are hereby authorized to accept this act and the same and all the provisions thereof shall be in force and become binding upon said company and the stockholder thereof and all other persons or corporations, whenever the same is accepted by the said board of directors, or by a majority thereof, by vote duly entered on the records of said company.

§ 14. This act, as also the original charter of said company and the acts amendatory thereto, shall be deemed public acts, and shall be so received and taken notice of in all courts.

§ 15. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1859.

AN ACT in relation to the Joliet and Terre Haute railroad charter, and the amendments thereto. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act to further amend the Joliet and Terre Haute railroad charter, approved February 28th, 1854, authorizing the company, under said charter, to lay out and construct a railroad from Joliet, in Will county, by way of Newark, in Kendall county, to the junction of the Illinois Central, Military Tract and Chicago and Aurora railroad, be further amended, as follows:

§ 2. That the present organization of said company, under the title of the Joliet and Mendota Division of the Joliet and Terre Haute Railroad Company, be and is hereby named and styled "The Joliet, Newark and Mendota Railroad Company."

§ 3. That the said company, as now organized, but under the name and style of Joliet, Newark and Mendota Railroad Company, have all the rights incident to and proceeding from the said Joliet and Terre Haute charter and the amendments thereto, in relation to the railroad that the said company may construct between Joliet and by way of Newark, in Kendall county.

§ 4. That the original corporators of the Joliet and Terre Haute Railroad Company, under the Joliet, Terre Haute Railroad charter, and the amendments thereto, have all the rights, privileges and immunities incident to and proceeding from the said Joliet and Terre Haute Railroad charter and the amendments thereto, in relation to all railroads to which said charter and its amendments refer, except that to be constructed between Joliet and Mendota, by way of Newark, in Kendall county.

§ 5. This act shall take effect from and after its passage. APPROVED February 24, 1859.

AN ACT to incorporate the Kankakee Valley Railroad Company.

In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders, agreeably to the provisions of the corporation hereby created, shall be and are hereby declared a body corporate and politic, by the name of "The Kankakee Valley Railroad Company," with perpetual succession; and by that name may sue and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations, for the manage-

ment of property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the existing laws and constitution of this state or of the United States; and may appoint such officers, agents and servants as the business of the said company may require, prescribe their duties and require bond for the faithful performance thereof.

Commissioners

§ 2. That James McGraw, Wm. A. Chatfield, A. G. Hobble, Wm. C. Richards, Z. C. Brayton, Slocum Wilber, Russell Seager and Jacob Hamilton, be and they are hereby appointed commissioners, for the purpose of procuring subscriptions to the capital stock of said company; whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and places when and where books will be opened, at least thirty days previous thereto, by publication in some newspaper published in Kankakee city, and in Valparaiso, Indiana. The said commissioners shall attend at the places appointed for the opening of books and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of forty thousand dollars shall be subscribed. The said commissioners shall give twenty days' notice, by publication in a newspaper published in Kankakee City, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company. At such time and place, so appointed for the purpose, the commissioners, or a majority of them, shall attend and act as inspectors of said election; and the stockholders present shall proceed to elect seven directors, by ballot; and the commissioners present shall certify the result of such election under their hands; which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their office for one year and until their successors are elected and qualified.

Capital stock.

§ 3. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and may be increased, by the directors of said company, to any sum necessary to complete the work herein authorized; and the same shall be subscribed for and taken under the direction of the board of directors of said company, at such time and in such place and manner as the said directors shall, from time to time, direct. The shares of said capital stock of said company shall be deemed and considered as personal property.

Directors.

§ 4. The affairs of said company shall be managed by a board of seven directors, to be chosen, annually, by the stockholders, from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share of stock held by him, and may vote personally, or by proxy, and a plurality of the votes given at any elec



tion shall determine the choice. The directors shall hold their office for one year after their election and until their successors are elected and qualified; and shall elect one of their number as president of said board; and in case of any vacancy occurring in said board of directors, between elections, the same may be filled by the board, at any legal meeting of the directors; and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board the directors shall have power to elect a president *pro tem.*, who shall exercise, for the time being, all the legal powers of the president of said board.

§ 5. It shall be lawful for the directors to make calls Calls upon the sums subscribed to the capital stock of said company, at such times and in such amounts as they shall deem fit, giving at least thirty days' notice of each of said calls, in at least two newspapers published in the vicinity of said road; and in case of failure on the part of any stockholder to make payment of any call made, as aforesaid, by the said directors, for sixty days after the same shall have been due, the said board of directors are hereby authorized to declare said stock so in arrears and all sums paid thereon forfeited to the company.

§ 6. The said company are hereby authorized and em- Power powered to locate, construct and complete, and to maintain and operate a railroad, with single or double track, and with such appurtenances as may be deemed necessary, by the directors, for the convenient use of the same, from the city of Kankakee, in the county of Kankakee, easterly to the village of Mokence, and thence, to the state line between the states of Illinois and Indiana, on the best and most eligible route, in the direction of Laporte, Indiana; to survey and determine the line of said road, upon such route, between said points, as the said company shall deem most eligible; and the said company are further authorized to use and operate said railroad; and shall have power and authority to regulate the time and manner in which goods and effects and persons shall be transported on the same, and prescribe the manner in which said railroad shall be used; and the rate of toll for transportation of persons and property thereon; and for the storage of merchandise and other property under their charge; and shall have power to provide all necessary stock and materials for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings for the accommodation, management and operation of said road.

§ 7. That said company are hereby authorized, by their Right of way engineers and agents, to enter upon all lands, for the purpose of making the necessary surveys and examination of said road, and to enter upon and take and hold all lands necessary for the construction of said railroad and its ap-

pendages—first making just and reasonable compensation to the owners of said land for the damage that may arise to them from the building of said railroad; and in case said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by such owner or owners, in the manner and upon the principles provided by "An act to amend the law condemning the right of way for purposes of internal improvement," approved June twenty-second, 1852: *Provided*, that after the appraisal of damages, as provided in said statute, and upon the deposit of the amount of such appraisal in the office of the clerk of the circuit court of the county wherein such lands may be situate, the said company are hereby authorized to enter upon such lands for the construction of said road.

*Borrowing money.* § 8. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the amount of capital stock of said company, as in their discretion may be deemed necessary to aid in the construction of said road, and to pay any rate of interest therefor, not exceeding ten per cent., and to pledge and mortgage said road and its appendages, or any part thereof, or any property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rates or on such terms as the board of directors may determine.

*Streets and roads.* § 9. Said company shall be bound to repair all public highways, bridges and water courses which may be impaired in constructing said railroad or its appendages, and shall restore them, as far as practicable, to as good a condition as they were before they were injured by reason of the construction of said road.

*Consolidation.* § 10. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by this state, or the state of Indiana, and to grant to such company the right to construct and use any portion of said road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between said company; also, the right to purchase or lease all or any part of any other railroad which is or may be mutually agreed between the said companies.

*Penalty.* § 11. Any person who shall willfully injure or obstruct the said road, or any part of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the damages occasioned by such injury or obstruction—to be recovered in an action of debt, in the name of said company, with costs of suit, before any justice of the peace having

jurisdiction of the amount claimed, or before any court of record in this state.

§ 12. The said company shall be allowed three years Time from the passage of this act for the commencement of the construction of said railroad, and ten years for the completion of the same.

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1859.

AN ACT to amend an act entitled "An act to incorporate the La Salle and La Fayette Railroad Company," approved February 15th, 1855. In force Feb'y 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers and authority already conferred by the act to which this is an amendment, the several townships through which said railroad shall or may be located, and also all the townships on each side of said railroad line, any portion of which shall be within four miles of the same, now organized or which may hereafter adopt township organization, as also the township of La Salle, are severally authorized and empowered to subscribe, in their corporate capacity, to the capital stock of said railroad company such an amount each as they may severally determine, not to exceed sixty cents per acre on the land embraced in such township at the time of voting on the proposition to subscribe, as hereinafter provided; and shall have full power and authority to issue their bonds, to the amount of said subscription, bearing interest at the rate of ten per cent. per annum; both principal and interest payable at such time and times as said townships may severally provide: *Provided, however,* that said subscription to the capital stock of said railroad company shall be approved by a majority of the votes polled at any election, to be held for that purpose, in such townships, respectively, as hereinafter provided.

Power of townships to subscribe stock

§ 2. Whenever any five or more of the voters of any such township shall deliver a requisition to the clerk thereof, stating the amount proposed to be subscribed to said capital stock, the number of bonds to be issued, the respective amounts thereof, (no one bond exceeding in amount one hundred dollars,) the time when such bonds and interest shall be made payable, and requiring such clerk to call an election for the purpose of approving or disapproving such proposed subscription, it shall be and is hereby made his duty, within ten days from the time such requisition shall be delivered or left at his place of residence, to give notice

Five voters may call election.



of such election, by posting, or causing to be posted, three notices thereof in three public places in said township, at least ten days previous to such election. Said requisition may be in the following form:

*To the Clerk of the Township of—County of—State of Illinois.*

Pursuant to the statute in such case made and provided, we, the undersigned, voters of said township, do hereby require you to call an election, to be held in said township, for the purpose of voting for and against the subscription by said township to the capital stock of the La Salle and Lafayette Railroad Company, to the amount of—thousand dollars, the bonds of said township bearing ten per cent. interest per annum, to be issued therefor, as the law directs, in the following amounts and payable at the following times:—bonds of \$—each, payable —years from date (as the case may be). Dated this—day of—, A. D. 18—.

The notice of such election may be in the following form:

#### ELECTION NOTICE.

*Township of—, County of—, State of Illinois.*

Whereas a requisition has been delivered to me, signed by upwards of five legal voters of said township, requiring me to call an election, for the purpose of voting for or against the subscription by said township to the capital stock of the La Salle and Lafayette Railroad Company, to the amount of—thousand dollars, the bonds of said township bearing interest at the rate of ten per cent. per annum, for that purpose, to be issued in the following sums, payable at the following times:

(Here enumerate the bonds set forth in the requisition.)

Now, therefore, in compliance with such requisition, and by virtue of the authority in me vested by law, I do hereby give notice that an election will be held at—, in said township, on—the—day of—, A. D. 18—, for the purpose of voting "In Favor of Subscription," or "Against Subscription" to the capital stock of said La Salle and Lafayette Railroad Company, and the issuing of the bonds of said township, in manner and form set forth herein. Dated this—day of—, A. D. 18—.

(Name.)

*Clerk of said Township.*

§ 3. On the day of such election, between the hours of eight o'clock, A. M., and ten o'clock, A. M., the voters assembled shall proceed to organize, by choosing, from amongst their number, three persons to act as judges of election and two to act as clerks of said election, after the manner provided in general elections, and who are hereby invested with equal powers and authority as judges and clerks of general elections, and shall conduct the same, when not otherwise provided by this act, after the manner in which general elections are conducted in this state, and shall be entitled to the same compensation as is allowed judges and clerks thereof.

§ 4. It shall be and is hereby made the duty of the judges and clerks of said township election, at the close thereof, which shall be at five o'clock in the evening, of said day, to certify at the foot of the poll books of said election the result thereof, and to deliver such poll books and certificates to the clerk of such township, whose duty it shall be to file one of the same in his office, and the other in the office of the clerk of the county court of said county, within ten days from the day of such election.

§ 5. It shall be the duty of the county clerk, annually, Assessors. thereafter, to compute and assess upon all the taxable property returned by each of said towns which shall have voted to subscribe a sufficient amount to pay such portion of the principal and interest as may become due, annually, on all bonds issued by the respective towns, as well as all the expenses attending the election, levying, collecting and disbursing said tax, or incurred in any manner in carrying out the provisions of this act: which tax shall be extended by said clerk upon the collector's books, as other taxes are, and shall be collected and its payment enforced in the same manner and at the same time as the taxes for state and county purposes are now or may be collected and enforced; for which services the clerk of said county and the collector shall be entitled to the same fees and per centage as are allowed in other cases for like services, to be paid out of said township tax: *Provided*, that nothing herein contained shall be so construed as to prevent a further vote or votes being taken on the same subject matter by any township within the purview of this act and in the same manner.

§ 6. In all cases where such election shall result in favor Subscription. of the subscription herein authorized, it shall be the duty of the supervisor of such township to make such subscription and to receive from said company the proper certificates therefor. He shall also execute, in the corporate name, and under the corporate seal of said township, the bonds of said Bonds. township, and deliver the same to the president or secretary of said company, in proportional installments, as calls shall be made for other subscriptions to the capital stock of said railroad company. Such bonds shall be signed by the supervisor and be countersigned by the clerk of the township in the name of which they shall be issued, and shall have interest coupons thereunto attached, to be signed by said clerk; and it shall be his duty to make and preserve a record of the issuing and delivery thereof: *Provided*, that any dividends, profits or proceeds that may, from time to time, be receivable on said certificates of stock, shall be applied to the payment of the principal or interest of said township bonds, as the same may become due, together with expenses connected with the same; and to this end such proceeds shall be paid over by the township officer receiving the same to the county treasurer, to be by him disbursed for the use of such township, as hereinafter provided.

§ 7. It shall be the duty of the treasurer of the county Duty of treasurers. in which such township or townships may be situated to pay out, from time to time, to the lawful holders of said bonds, as the same shall be presented to him, such amount or amounts as may be due thereon, as well as all necessary costs and charges; making proper indorsements or taking proper vouchers therefor. He shall also keep an account with each township making subscription, as aforesaid, of

all moneys received by him and paid out on account of such township; which account shall at all times be open to the inspection of all persons wishing to examine the same. He shall also file in the office of the clerk of such township, on the first Monday in August of each year, a full account and report of his doings under this act; and shall be entitled to receive, for his services herein, a like compensation as allowed him in other cases, to be paid from such tax.

Deliver books,  
&c., to successors.

§ 8. Such treasurer shall, on the expiration of his term of office, surrender and deliver up to his successor all the books, papers, moneys or effects, of whatsoever nature, that may have come into his possession by virtue of this act; and for any willful misappropriation or conversion to his own use of any moneys that may come into his hands under the provisions of this act, he shall be deemed guilty of and punishable for embezzlement.

Taxes.

§ 9. The taxes to be collected from said railroad company, for county and township purposes, by the several counties and townships through which said railroad runs, shall be paid to and set apart by the county treasurer as a sinking fund, to redeem the principal of the bonds issued by any township or townships in such county.

Elections.

§ 10. At all elections for officers or other questions voted upon by the stockholders of said company the supervisors of the town or towns that may subscribe to the stock of said company shall represent and cast the vote which said stock is entitled to.

Informality.

§ 11. No neglect, omission, irregularity, informality or want of technicality, on the part of any persons authorized to carry out the provisions of this act, shall inure to the loss, defeat or disadvantage of said railroad company, or other holders of the bonds of said township, nor to the defeat and delay on the subscription to the capital stock of said railroad company, nor on the assessment, levying and collecting of the taxes for the payment of said bonds, nor for any other matter or thing done under or by virtue of this act, provided the provisions of the same shall have been substantially complied with.

Organization.

§ 12. The said railroad company is hereby authorized and empowered to organize when twenty thousand dollars shall have been subscribed to the capital stock thereof, and ten per cent of the same fully paid in. Said railroad shall be so located as to cross and connect with the St. Louis, Alton and Chicago railroad, in section twenty-five, township thirty north, of range six east of the third principal meridian, and to connect with the main line of the Illinois Central railroad, at Tonica or at any convenient point between La Salle and Tonica.



§ 13. Any provision or provisions of the act to which Repeal. this is an amendment coming in conflict herewith are hereby repealed. This act to be in force on and after its passage.

APPROVED February 21, 1859.

AN ACT to incorporate the Mason County Farmers' Railroad Company.

In force Feb'y  
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Pollard Simmons and his associates, successors and assigns are hereby created a body corporate and politic, under the name and style of "The Mason County Farmers' Railroad Company," with perpetual succession, and by that name be and they are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this state or any other place: to make and use a common seal, and to renew and alter the same at pleasure; and shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes of this act, as are hereinafter set forth. And said company are hereby authorized and empowered to locate, construct and finally complete a farmers' railroad, with single or double track, as they may think their interest requires, commencing at the town of Havana, in Mason county, and to continue the same as far as they may deem practicable and to their interest, on an eastern course, towards the east line of said Mason county, and may continue, at their discretion, to some point on the line of the Chicago, Alton and St. Louis Railroad. And the said company are further authorized to survey, engineer and determine said road upon such route as the said company may deem most advantageous to them. Body Corporate

§ 2. Whenever the said company shall commence in the construction of the said farmers' railroad, they shall and may have and use so much of the state and county roads as their railroad shall cross, and county and state lands through which said road may pass, as they wish to appropriate to their use, not exceeding one hundred feet in width, free of charge for the same, as may be necessary for the construction of the same. Right of way.

§ 3. Said company, their heirs and assigns, are hereby authorized and empowered to acquire and appropriate to their use, to carry out the objects of this act any land, timber, stone or gravel, which may be deemed necessary for the use and construction of said road, either by gift, donation, purchase or otherwise; and when the same can not be obtained by the consent of the owner or owners, upon reason- Materials.

able terms, the same shall be valued and estimated, in the manner now provided by law for the recovery of damages happening by the laying out of highways; but in no case shall an appeal cause suspension of laying out or appropriating the same, when the law has been complied with.

Injuries.

§ 4. If any person or persons shall willfully do or cause to be done any injury to said road, the person so offending shall forfeit and pay to the said company, their successors or assigns, three times the amount of such injury or damage, to be recovered before any court having jurisdiction of the same.

Transportation

§ 5. And whenever the said company may have completed one mile of said farmers' railroad, they may take and transport upon said road any person or persons, merchandise or other property, by the force of horse-power or steam, or any combination thereof; and may fix and establish, take and receive such uniform rates of toll for all passengers and property transported upon the same, as the company shall, from time to time, establish; and the company are hereby authorized and empowered to make all necessary rules, by-laws and regulations that they may deem necessary and expedient to accomplish the design and purposes and to carry into effect all the provisions of this act, and for the transfer and assignment of its stock.

Capital stock.

§ 6. The capital stock of said company shall be twenty-five thousand dollars, which shall be divided into shares of fifty dollars each, which may be increased by the incorporator and his associates, successors or assigns, to any amount, not exceeding two hundred thousand dollars, if necessary to complete the work herein authorized; and the same shall be taken and subscribed for in such manner as the company shall, from time to time, direct.

Borrow money

§ 7. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of said company, as in their discretion may be deemed necessary, to aid in the construction of said work, and to pay any rate of interest therefor, not exceeding ten per cent., and to pledge and mortgage said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to issue and dispose of bonds on the said road for such loan, at such rates and on such terms as the company may determine.

§ 8. This act shall be deemed and taken as a public act, and shall be construed favorably for all purposes therein expressed and declared, in all courts and places whatsoever, and shall be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to incorporate the Michigan and Mississippi Railroad Company," approved February 10, 1857. In force Feb'y 24, 1859.

*Be it enacted by the People of the State of Illinois represented in the General Assembly,* That so much of section six, of the above described act, as describes the route for said road, be and the same is hereby so amended as to read "From Waukegan, in Lake county, through McHenry and Woodstock, in McHenry county, to some point on the Mississippi river, at or north of Savanna." Also, that section twelve, of said act, be and the same is hereby so amended as to allow said company five years, instead of three years, to commence the construction of said road. Amendment.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act authorizing the construction of the Mississippi and Atlantic Railroad," approved February 23, 1854. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That said company is hereby authorized and vested with full power to sell and dispose of, to any individual or corporation, all property acquired or purchased in the name of said company, and all property, whether real, personal or mixed, so acquired by them, or in their name, for any purpose or purposes whatever, whether obtained or possessed by gift, grant, purchase, forfeiture or otherwise, including the whole or any portion of their road-bed, right of way, grading, bridging, stone, gravel, timber or other material, and all privileges and things whatever thereto appertaining; and such sale, by them made, and all previous sale of any such estate or effects shall be and is hereby declared valid: *Provided*, the legal right of no person or incorporation is invaded by such sale or conveyance. Sale of property, &c.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act incorporating the Mississippi and Wabash Railroad Company," approved February 10, 1853. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the Mississippi and Wabash Railroad Company, as the same is at present organized, under the provisions of an act entitled "An act to incorporate the Mississippi and Wabash Railroad Company," approved February 10, 1853, is hereby declared organization legalized.



to be legally organized; and said company shall not only have the rights, powers and privileges conferred by said act, but, in addition thereto, shall have power and authority to have, receive, hold, sell and dispose of any donations of real and personal property, for the use of said company, and to acquire, by purchase, and hold any real or personal property, for the use of said company, in the constructing and operating said railroad, or sell the same, if found not necessary to be retained for that purpose.

Mortgage.

§ 2. That the board of directors of the said Mississippi and Wabash Railroad Company, for the purpose of securing the payment of any indebtedness now existing or which may hereafter exist against said company, or for the purpose of securing the payment of any bonds heretofore or which may hereafter be issued by said company, under the provisions of the act to which this is an amendment or under the provisions of this act, are hereby authorized and empowered to execute and deliver any mortgage, deed of trust or other instrument in writing, drawing interest, not exceeding the rate of ten per cent., per annum, upon that portion of the said road-bed lying between the termini of said road, at the city of Warsaw, on the Mississippi river, and the Illinois river, and any other property and franchises of said company, on that portion of the line thereof, and also to execute, in like manner, mortgages, deeds of trust or other instruments in writing, upon that portion of said road-bed and other property and franchises of said company, lying between the said Illinois river and the east line of this state, which said mortgages or deeds shall constitute liens only on the respective portions of said road or road-bed and franchises and other property of said company, as by the terms thereof may be provided; and the said board of directors are hereby authorized to mortgage or pledge, as aforesaid, the net proceeds or earnings of the said road, or the portions thereof so mortgaged as aforesaid, to secure the payment of the interest or principal on any of said bonds or indebtedness, as the same may become due.

Right of way.

§ 3. That whenever the said railroad company shall need any land or real estate, for the purpose of locating or constructing said road or for the purposes of depots or other buildings, and can not agree with the owner or owners thereof, in respect to the value of the same, they may and are hereby empowered to proceed and condemn the same, in the manner now provided by law for the condemnation of land for the right of way, in the chapter entitled "Right of Way," of the Revised Statutes of 1845, or in the act to which this is an amendment.

Subscriptions.

§ 4. The said company is hereby authorized to receive subscriptions to the capital stock of the company, payable at any time or in any manner that may be specially agreed upon by the company and the subscribers thereof; and such

agreement may bear such rate of interest as may be contracted for; and for securing the payment of the same the said company may take the bond or bonds of said subscriber or subscribers and a mortgage or mortgages, deed or deeds of trust upon real estate; and on a failure to pay any sum or sums of money, agreed to be paid, as aforesaid, or the interest of the same, as the same may accrue, the said company may foreclose said mortgage or mortgages, or sell and convey said real estate, agreeable to the provisions of said deed or deeds of trust. The bonds or mortgages or deeds of trust herein provided for, may be assigned or transferred by the said company; and such assignment shall vest in the assignee or assignees the legal title thereto.

§ 5. The said company shall have the power to unite or consolidate its railroad with any other railroad, now constructed or which may hereafter be constructed, within this state, on the route of said road or at either terminus of said road, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection; and said company shall not be required to build that portion of said road east of such connection as may be agreed upon, unless a majority of the directors of said company shall be in favor of extending or completing said road east of said connection. Consolidation.

§ 6. The said company shall have power to sell or dispose of its bonds, issued under the authority of this act or the act to which this is an amendment, at, above or below par, as the directors may deem for the best interests of the company. Bonds.

§ 7. That the board of directors are hereby authorized to make and issue calls for the payments of stock that has been or may hereafter be subscribed to the capital stock of the company, in such manner, at such time and in such localities as may, in the opinion of the board of directors or a majority thereof, be for the best interests of the company, or as may be agreed upon between the subscribers and the company. Calls.

§ 8. That the said railroad company are hereby authorized to construct a branch of said road, from the junction thereof with the Warsaw and Rockford Railroad, to the east shore of the main channel of the Mississippi river, opposite the old limits of the city of Keokuk, in the state of Iowa: *Provided*, that an amount sufficient to construct the same has been or may hereafter be subscribed by said city or individuals for that purpose; and that no part of the general subscription to the stock of said company or any of the funds of said company, except that subscribed for the express purpose of the construction of the said branch, shall be used or applied to the construction thereof or the pro- Branch road.  
Proviso.

## Proviso.

curing the right of way therefor: *Provided*, that no more than fifty-six thousand dollars of subscription for the purpose of the construction or obtaining right of way for said branch shall be subscribed as capital stock to or be treated as stock in said road; and all other sums contributed or subscriptions made for the purpose of constructing said branch or obtaining the right of way or any depot ground or buildings for the same, shall not be considered or treated as stock in said road, for any purpose whatsoever, but shall be received as voluntary contributions only. The said branch, when so constructed, shall be operated as a branch of said road, whenever the business of the road may demand and the same can be so done without detriment to the interest of the main line of the road leading to the said city of Warsaw.

## Vacancies.

§ 9. That the board of directors of the said company are hereby authorized to fill any and all vacancies that may occur in their number between the time of any general election for directors of said company: *Provided*, that from and after the next annual election for directors, the board shall consist of seven members, a majority of whom shall live in the counties through which said road may pass or at the terminus thereof.

## Donations.

§ 10. Any acts or proceedings of the board of directors or their agents or other person authorized so to do, releasing subscriptions to the capital stock of said company, and also any substitution of any other subscription therefor or for any part thereof or any donation therefor, are hereby legalized and made valid.

## Election legalized.

§ 11. The votes taken in the county of Hancock and the city of Warsaw for subscribing stock to said railroad company, are hereby declared to have been legally made, and the issuing of the bonds of said county and city, in the payment of said subscription, is hereby legalized.

## Acts repealed.

§ 12. That the act entitled an "Act amendatory to the acts incorporating and relating to the Mississippi and Wabash Railroad Company," approved February 14th, 1857, and section 15 of an act to which this act is an amendment, and section 2 of an act entitled an "Act to amend an act entitled 'an act to incorporate the Mississippi and Wabash Railroad Company,' approved February 10th, 1853," and approved Feb. 9th, 1855, be and the same are hereby repealed.

## Acceptance.

§ 13. That the board of directors of said company are hereby authorized to accept this act, and the same and all the provisions thereof shall be in force and become binding upon said company and the stockholders thereof and all other persons and corporations, whenever the same is accepted by the said board of directors or by a majority thereof, by a vote duly entered on the records of said company.

§ 14. This act shall take effect and be in force from and after its passage.

APPROVED, February 24, 1859.



AN ACT to amend an act entitled "An act to incorporate the Nauvoo and Warsaw Railroad Company," approved February 24th, 1847, and other acts amendatory thereto. In force Feb'y 11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said company is hereby authorized to borrow such sum or sums of money as may be necessary for completing and operating said road, and to issue and dispose of their bonds, in such denominations as they may prescribe, at such rates of interest or discount as they shall determine upon, and in such form and upon such terms and conditions as to them shall seem best for effecting the speedy completion of said road; and they shall have power to secure the payment of any bonds issued by said company, by mortgage or by deed of trust in the nature of a mortgage, on the whole road, or on any part thereof; and on the property of the company, real or personal, existing at the time of making any such mortgage or mortgages or deeds of trust, and upon the rents, tolls, income, rights and franchises of the company; and all such liens, mortgages, deeds of trust, or other instruments, as may be executed by said company or its authorized agents, shall be deemed and taken to be valid and effectual in all courts and places, according to the true intent of the parties thereto. Borrow money.

§ 2. That the time for the completion of said road shall be extended five years from and after the first day of January, eighteen hundred and sixty-two. Time extended

§ 3. That the number of directors of said company shall be reduced from thirteen to nine, which number of directors only shall be hereafter elected, annually, by the stockholders, at the times and in the manner now provided for the election of directors. Directors.

§ 4. An acceptance of this act by a majority of the present board of directors, and duly entered upon the records of the company, shall be deemed an acceptance thereof by the company. Acceptance.

§ 5. Any assignment of any portion of said road shall operate so as to carry with it like privileges and rights as those granted by the original and amendatory acts, in regard to their corporation, and the assignees may select a corporate name, and file their declaration of such selection with the secretary of state, and such name shall hereafter become their corporate name. Assignment.

§ 6. This act is hereby declared to be a public act, and shall take effect from and after its passage, subject only to the acceptance of the company, as provided in the preceding section. Public Act.

APPROVED February 11, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the Northern Illinois Rail'road Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John R. Henning, John F. Pettingall, Samuel J. Davis, Benjamin Dornblazer, Chancellor Martin, Sylvester Tolcot, William S. Gray, William T. Miller, Medard Du Puis, Nathaniel Halderman, A. G. Moffit, Luther H. Bowen and James B. Childs, are hereby made and constituted a body corporate and politic, by the name and style of "The Northern Illinois Railroad Company," with perpetual succession; and by that name and style shall be capable, in law, of taking, purchasing, holding, leasing, selling and conveying real and personal estate and property, so far as the same may be necessary for the purposes hereinafter mentioned; and in their said corporate name to sue and be sued; to have a common seal, which they may alter or renew at pleasure; to have a capital stock of two millions of dollars, to be divided into shares of one hundred dollars each, which said capital may be increased, from time to time, by a vote of a majority of the directors of this corporation, to any sum requisite for the completion and fulfillment of the objects and purposes of the corporation hereby created; and said above named persons shall be and constitute the first board of directors, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and object of this act as hereinafter set forth.

Officers.

§ 2. Said directors shall organize the board as soon as practicable after the passage of this act, by electing one of their number president, and by appointing a secretary and treasurer, which organization shall be certified by said directors, or a majority of them, and such certificate shall be recorded in the record book of said company, and said record shall be sufficient evidence of such organization, and a certified copy thereof, under the seal of said corporation, shall be received in all the courts of this state as evidence of the facts therein stated; and said directors shall hold their offices until the first Wednesday of October following their organization and until their successors shall be elected and qualified, as hereinafter provided. All vacancies in said board may be filled by a vote of two-thirds of the directors present at any regular meeting of the board or at a special meeting called for that purpose.

Railroad.

§ 3. The said company are hereby authorized and empowered to locate and, from time to time, to alter, change, relocate, construct, reconstruct and fully to finish, perfect and maintain a railroad, with one or more tracks, commencing at a point on the north line of the county of Winnebago, at or within one mile from its intersection with Rock river, thence by way of Freeport, in the county of Stephenson, Mount Carroll, in the county of Carroll, to Savanna, on the

Mississippi river, in said county of Carroll. And the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons or property thereon, and for the storage of merchandize and other property under their charge, and shall have power to provide all necessary stock and materials for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings and machinery, for the accommodation, management and operation of said road.

§ 4. Said directors shall, as soon after the passage of this act as practicable, open books for the purpose of receiving subscription to the capital stock of said company, at such places, along the line of said road and elsewhere, as said directors shall determine, under the direction of such agents as said directors shall appoint, and said books shall be kept open, from time to time, until the amount of said capital stock shall be subscribed or until said directors shall determine to close the same. Opening books.

§ 5. And the said company are hereby authorized, by their engineers and agents, to enter into and upon any lands for the purpose of making the necessary surveys and examinations for said road, and to enter upon and take and hold all lands necessary for the construction of the said railroad and its appendages, first making just and reasonable compensation to the owners of said land for any damages that may arise to them from the building of said railroad; and in case the said company shall not be able to obtain the title of any land or premises which may be necessary for the purpose of said road and its appendages, by purchase or voluntary cession, the same may be obtained in the mode provided by the provisions of "An act to amend the law condemning rights of way for purposes of internal improvement," approved June 22d, 1852. And upon payment by said company of the damages assessed or appraised, in accordance with the provisions of said act, said company shall be authorized to enter upon such lands for any of the purposes contemplated by this act, and to use and enjoy the same in all respects as if the title thereto had been obtained by voluntary cession or conveyance. Right of way.

§ 6. The said company are authorized and empowered to borrow, from time to time, such sums of money, not exceeding double the amount of stock subscribed, and upon which at least twenty-five per cent. shall have been paid, as may be necessary for constructing, completing and finishing or operating said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars for any amount so borrowed, and to pay any rate of interest Borrow money



therefor, not exceeding ten per cent., and to pledge and mortgage the said road and its appendages or any part thereof or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loans at such rates and on such terms as two-thirds of the directors may determine, and may make such bonds convertible into the capital stock of said company, at the option of the holder, and may provide a sinking fund for the redemption of said bonds out of the earnings of said road.

Dividends.

§ 7. The said company shall, annually or semi-annually, make such dividends as they may deem proper of the net profits, receipts or income of said company, among the stockholders therein, in proper proportion to their respective shares.

By-laws.

§ 8. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfill the purpose and carry into effect the provisions of this act, and for the well ordering and securing the affairs and interest of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state. This act and all by-laws that may be adopted by the directors of said company, and all additions thereto and alterations thereof shall, from time to time, be printed in a convenient form and be distributed among the stockholders of said company.

Meetings.

§ 9. It shall be lawful for any fifteen stockholders, by giving thirty days' notice, stating the objects, to call a meeting of the stockholders of said company; and the secretary of said company shall certify said call and record the same, as well as all matters that may be transacted under such call. The stockholders under such call may, by a majority voting therefor, proceed and appoint from among themselves, a committee of three, with full power to examine all books, papers and accounts belonging to said company; and said committee may employ any competent accountant or accountants to aid in said examination; and said committee shall have power to examine any officer or officers, agent or agents or employee of said company, under oath, to be administered by the chairman of said committee; and said officer or agent or employee shall duly answer all questions that may be required of them by said committee, touching any matter or matters relating to the affairs of said company; and the officers and agents of said company shall aid, as far as in their power, said committee, as they may require in said examination. The expenses of said examination shall be paid from the treasury of said company, upon warrants drawn upon the treasurer and certified by said committee, and said committee shall make a detailed report of said examinations, at such time or times, as said stockholders shall direct.

§ 10. Said company shall have power to unite its railroad, in whole or in part, with any other railroad or railroads now constructed or which may hereafter be constructed, either in this state or in the state of Wisconsin, coming in contact therewith, and to grant any such company or companies the right to construct and use any portion of said line of road hereby authorized to be constructed, and to purchase of any such company or companies the right to construct, operate and use the line of road constructed or in course of construction by such company, and to lease or purchase the right of way and franchises of any such company, together with its equipments, rolling stock, furniture and materials used in constructing or operating such road or roads, and to complete, finish, use and operate any such line of road so purchased or leased, upon such terms as may be mutually agreed between the said company or companies, or may consolidate the capital stock with the capital stock of any railroad company with which it shall intersect, either in this state or in the state of Wisconsin, and shall have power to place the road of said company and its capital stock so consolidated under the direction of a board of directors of not less than seven, at least five of whom shall be chosen from stockholders resident within the counties through which said consolidated roads are located. The first board of directors shall be chosen as the directors of the companies consolidating their capital stock shall direct and agree, and all subsequent boards to be elected as herein provided for, or as shall be provided by the by-laws of said company, but no consolidation shall be legal, nor the sale or transfer of the permanent rights and privileges of said company, or purchase of or by said company, without the assent of a majority in interest of stock voting in favor of said consolidation, purchase, sale or transfer, at an annual or regularly called meeting of the stockholders, or unless a majority in interest of the stockholders shall first give their written assent thereto.

§ 11. Notice shall be published in some paper printed within the counties through which the said road is located, for election of directors, and calls for installments to be made upon the capital stock, and all meetings of stockholders; all matters intended for the action of stockholders, by the directors or stockholders authorized to call meetings, shall be published in the notice given for the meeting before which said matters will be brought.

§ 12. The said corporation shall be bound to repair all public highways, bridges or water courses which may be injured in constructing said railroad or its appendages, and shall restore them, as far as practicable, to as good a condition as they were before they were injured.

§ 13. Said company are hereby authorized to take and receive from the several subscribers to the said capital stock, money, labor, materials, cars, locomotives or other articles

Consolidation.

Notice of election.

Streams and roads.

Special subscriptions.

adapted to the construction or operation of said railroad, or any property that, in the opinion of the board of directors, may be exchanged or converted to such use, and upon receiving full payment, in manner aforesaid, of any such subscription of stock, may issue to such subscriber or subscribers, certificates therefor.

Time.

§ 14. The company shall be allowed five years from the passage of this act for the commencement of said railroad; and in case at least twenty-five miles of the same shall not be completed in ten years thereafter, the privilege herein granted shall be forfeited.

§ 15. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended.

APPROVED February 24, 1859.

In force Feb'y 24, 1859. AN ACT to amend an act entitled "An act to incorporate the Ogle and Carroll County Railroad Company."

Organization.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the above entitled act be so altered and amended as to authorize the said company to organize and elect a directory, whenever stock to the amount of twenty thousand dollars shall be subscribed thereto, towards the completion of said road east of Rock river, and that the board of directors of said company shall consist of five persons, instead of nine, any three of whom shall constitute a quorum, and be vested with full powers of the whole board. That James V. Gale, Henry A. Mix, Joseph Sears, Edward F. Dutcher, Isaac Trask, Elias S. Potter, Langford Green, Miles B. Light, Francis Chase, Thomas Stinson, Robert C. Burchell and Charles C. Royce be appointed commissioners, in place of the persons named in the original act; and that any two of said commissioners may act as inspectors at the election of directors; and that said road commence on the east bank of Rock river, opposite the town of Oregon, in Ogle county, Illinois; from thence, on the most eligible route, to the Galena and Chicago Union Air Line Railroad.

Subscriptions  
by villages  
and towns.

§ 2. That the several villages and towns organized under the township organization law or any other law of this state, along or near the route of said road, or that are in anywise interested therein, may, in their corporate capacities, subscribe to the stock of said company, or may make donations thereto, or may lend its or their credit to said company, to aid in constructing and equipping said road: *Provided*, that no such subscription, donation or loan shall be made until the same shall be voted for, [as] hereinafter provided.



§ 3. Whenever ten legal voters of any such village or town shall present to the clerk thereof a written application, requesting that an election shall be held, to determine whether such village or town shall subscribe to the capital stock of said company, or make a donation thereto, or loan money or bonds or its credit, to aid in the construction of said road, stating the amount and whether subscribed, donated or loaned, and the rate of interest, and the time of payment, such clerk shall receive and file such application, and immediately proceed to post written notices of an election to be held by the legal voters of such town; which notices shall be posted in four of the most public places in such town or village, for ten days preceding an election, and shall state fully the object of such election; and said election shall be held and conducted and return thereof made as is provided by the township organization law; and an additional return shall be made to one of the commissioners named in this act; each elector shall deposit a ballot for said subscription, donation or loan, or against said subscription, donation or loan; and if a majority of the tax payers of said town, legal voters, shall vote at said election in favor of such subscription, donation or loan, then such village or town shall, by its proper corporate authority, subscribe to the stock of said company or donate or loan thereto, as shall be determined at such election, and shall issue to the said railroad company its bonds, in such denomination as said company may designate, not less than one hundred dollars, and bearing interest as may be determined at such election, and payable annually; which bonds shall be signed by the supervisor and countersigned by the clerk, in towns organized under the township organization law, and in incorporated villages by the president of the board of trustees and countersigned by the clerk; and any such village or town so subscribing, donating or loaning, as aforesaid, shall, by its proper corporate capacity, annually thereafter, levy and collect a sufficient amount of money, on the assessed property of such village or town, to pay and liquidate the annually accruing interest on such bonds; and, in case default shall be made by said authorities, then it shall be lawful for the county clerk of the county wherein such village or town is situate, and he is hereby required to cause the amount to be computed on the assessed property of said town or village and cause the same to be entered on the collector's book of said town or village; and the collector thereof shall collect the same as other taxes.

§ 4. That such portions of the original act, to which this [is an] amendment, as conflicts with this act, be and the same are hereby repealed. This act to be in effect from and after its passage.

APPROVED February 24, 1859.

In force Feb'y AN ACT to incorporate the Paducah, Metropolis and St. Louis Railroad Company.  
16, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* L. W. Ashley, D. L. Phillips, W. H. Green, W. R. Brown, L. S. Trimble, L. M. Flourney, W. F. Norton, Henry Enders, D. A. Given, G. H. Morrow, and their associates, heirs, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Paducah, Metropolis and St. Louis Railroad Company;" with perpetual succession; with power to sue and be sued, plead and be impleaded, in any court of law or equity in this state or any other place; to make and use a common seal, and to alter the same at pleasure; with power to build a railroad and use and maintain the same, with single or double track, from some point on the Ohio river, at or near Brooklyn, in Massac county, through the corporate limits of Metropolis, in said county of Massac, to some point on the Illinois Central Railroad, south of Jonesboro, to be selected by the directors of said company.

Subscription by towns, cities or counties. § 2. That the several towns, cities or counties, through or near which said road shall pass, may subscribe for and take stock in this company: *Provided*, that no such subscription shall be made unless a majority of the legal voters of said town, city or county shall vote for the same at an election to be held under order of the county court, in cases of counties, and of the corporate authorities, in cases of towns and cities.

Right of way. § 3. This company is hereby authorized, for the purpose of procuring the right of way for said road, to proceed under the act to provide for a general system of railroad incorporations, approved November 5th, 1849, and under the act amendatory to said act, approved June 22nd, 1852, for the condemnation of land by incorporated companies.

Rights. § 4. That all the rights, privileges and advantages and powers, with the limitations and restrictions conferred upon the Paducah and Illinois Railroad Company and Illinois Southern Railroad Company, so far as applicable, are hereby conferred upon the Paducah, Metropolis and St. Louis Railroad Company, with the same regulations, in relation to organization and election of officers, at the option of the commissioners or directors of said company.

Capital stock. § 5. The capital [stock] of said company shall be one million of dollars, to be divided in shares of fifty dollars each. This act shall be construed liberally, and shall be deemed as a public act, and be in force from and after its passage.

APPROVED February 16, 1859.

AN ACT to amend "An act to incorporate the Pike County Railroad Company," In force Feb'y approved February 14, 1857. 12, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for the completion of the Pike County Railroad be extended Time extended for the term of two years, from and after the passage of this act.

§ 2. That said Pike County Railroad Company be River crossing. authorized to cross the Illinois river at any convenient point, between the town of Naples and Phillips' Ferry: *Provided*, if they should cross at any other point than at the town of Naples they shall have the right to connect said road with the Great Western Railroad at such place of crossing or at the town of Naples; but said road shall not run to or connect with the Great Western road at any point more than one-half mile east of the Illinois river, at the town of Naples: *Provided, further*, that said company shall not obstruct the navigation of the river, in said crossing, so as to prevent the passage of boats, but shall provide by sufficient draw or draws for such passage.

§ 3. That the tax collected from said railroad company, Tax. through the towns where said road is located, for county and township purposes, be set apart by the county and township treasurers as a sinking fund, to redeem the bonds issued by the several townships in aid of the construction of the Pike County Railroad.

§ 4. That the county clerk of Pike county be authorized to levy, in addition to the amount necessary to pay the interest on the bonds issued by the several townships in aid of the construction of the Pike County Railroad, a sufficient amount to pay the expenses of collecting said tax.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1859.

AN ACT to incorporate the Princeton and Bureau Valley Railroad Company. In force Feb'y 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert T. Templeton, William Converse, Arois S. Chapman, A. Johnson, jr., and Elijah Dee, and their associates, are hereby Corporators. created a body corporate and politic, under the name and style of "The Princeton and Bureau Valley Railroad Company."

§ 2. Said company shall have power to construct and Powers. maintain a railroad, under the general laws of this state, from Princeton, in the county of Bureau, to connect with the



Chicago and Rock Island Railroad, either at Tiskilwa or at Bureau Junction, or at some other point between those places.

§ 3. This act shall be in force from and after its passage.  
APPROVED February 18, 1859.

In force Feb'y 24, 1859. AN ACT to amend an act to incorporate the Randolph County Coal, Railroad and Manufacturing Company," approved February 14, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said company shall have power to change the location of said line of road, from the northeast quarter of section number twenty-one, in township number five south, of range five west of the third principal meridian: *Provided*, said change of location shall not vary the course of said line more than four miles from said point or quarter section.

§ 2. The name and style of said corporation shall be changed from "The Randolph County Coal, Railroad and Manufacturing Company" to "The Chester and Chicago Branch Junction Railroad Company;" and under that name and style shall have all the powers originally granted in the act to which this is an amendment. And said company shall build their railroad on the most direct and eligible ground, so as to connect with the Chicago Branch of the Central Railroad at Centralia or with the Central Railroad at some point south of said Centralia.

§ 3. The counties of Randolph and Washington are hereby authorized to subscribe to the stock of said company; and the county courts of said counties of Randolph and Washington shall execute and deliver to said railroad company or shall sell, in the market, at par, the bonds of the said counties, for an amount not exceeding one hundred thousand dollars for each county—said bonds to be made payable at any time, not less than ten years nor more than twenty years, from the date thereof, at a rate of interest not exceeding eight per cent. per annum; and the county court, as aforesaid, shall, at the time of issuing said bonds, make provision for the payment, semi-annually, of such interest as shall fall due on the same, by adding to the annual assessment an amount sufficient to cover such interest; which shall be specially set apart for that purpose, and collected in such funds as will be received on the same at par.

§ 4. The city of Chester and any incorporated town or city, through or by which said railroad shall run or pass, are hereby authorized to subscribe to the stock of said railroad. And the city council of the city of Chester and the

president and board of trustees of said incorporated town or city shall execute and deliver to said railroad company, or sell, in the market, at par, the bonds of said city of Chester and of said incorporated towns or cities, for an amount not exceeding fifty thousand dollars each. Said bonds to be issued in sums not less than five hundred dollars, and to be made payable not less than ten nor more than twenty years from the date thereof, at a rate of interest not exceeding ten per cent. per annum; and the city council of the city of Chester and the president and board of trustees of said incorporated towns or city, shall, at the time of issuing said bonds, make provision for the payment, semi-annually, of such interest as shall fall due on the same, by adding to the annual assessment an amount sufficient to cover such interest; which amount shall be specially set apart for that purpose, and collected in such funds as will be received on the same at par.

§ 5. Such bonds shall not be issued by said counties of Elections. Randolph and Washington nor by said city of Chester or incorporated towns or city, until such loan shall be authorized by a vote of the citizens of said counties and said city and incorporated towns or city; which vote shall be taken in the following manner: Whenever an application for an election shall be filed with the clerk of the county court of Randolph or Washington counties or with the clerk of the city council of the city of Chester or with the clerk of the board of trustees of incorporated towns or city, as aforesaid, signed by at least one hundred legal voters of the city of Chester or of any incorporated town or city; or, if the application be for a county election on the question, signed by at least two hundred and fifty legal voters of the county, the said clerk or clerks shall issue notices, as in other cases of special elections, for election, fixing the time and place of holding the same, not less than twenty nor more than thirty days from the filing of such application; which said notice shall specify the amount of the subscription proposed to be made; and the vote shall be "For the Subscription," or "Against the Subscription;" and the election shall be conducted and returns made in all respects as is provided for special elections of county officers or special elections in said city or incorporated towns; and if it shall appear that a majority of all the voters voting at such election shall have voted "For the Subscription," then the said bonds shall be issued, as hereinbefore provided, which shall be applied in subscriptions for stock in the said railroad company by the county courts of said counties and by the city council and board of trustees of said city and incorporated towns or city; and the county courts of Randolph and Washington counties and the said city council and board of trustees, as aforesaid, shall cast the votes that they are thereby entitled to, by their stock, or shall appoint some

person to cast such votes, by proxy: *Provided*, that the moneys hereby authorized to be raised, shall be expended in the construction of works on said railroad within the county in which the same shall have been subscribed.

Time extended § 6. The time allowed said company to commence work on the said railroad, in the act to which this is an amendment, is hereby extended four years, from the passage of this act.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 24, 1859. AN ACT to amend an act entitled "An act to incorporate the Rock Island and Alton Railroad Company."

Name changed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of "The Rock Island and Alton Railroad Company," be and is hereby changed and declared to be "The St. Louis, Alton and Rock Island Railroad Company," and by and under that name said corporation shall be henceforth known and have its corporate existence, and hold and be possessed of all the rights, powers and privileges granted to the Rock Island and Alton Railroad Company, in the original charter of said company and the amendments thereto, and shall be and become vested with all the property and estate and rights of every kind whatever vested in the name of the Rock Island and Alton Railroad Company as fully as if said name had not been changed.

Organization legalized. § 2. The organization of the Rock Island and Alton Railroad Company is hereby declared to be legal and valid, irrespective of the amount of unconditional stock obtained before the organization: *Provided*, that nothing in this act contained shall in any manner impair the obligation of any existing contract.

Right of way. § 3. The said company, in obtaining the right of way, or in obtaining lands for other purposes necessary to the location and operating of their road, may proceed to obtain the title to such lands so needed for the right of way, or otherwise, in the manner and upon the principles provided and contained in the act concerning the right of way, approved March 3, 1845, or under any other act that has been or may be passed by the general assembly of the state of Illinois, to enable railroad companies to appropriate lands for the purposes aforesaid: *Provided*, the said St. Louis, Alton and Rock Island Railroad Company shall be held and declared liable for all the liabilities of the Rock Island and Alton



Railroad Company, the same as the said Rock Island and Alton Company would have been if the change of name herein granted had not been made.

§ 4. The certificate of the secretary of said company, under the seal of said company, shall be received in all courts and places, as evidence of their rules and by-laws, of the appointment of agents and officers, of any order of said company or their directors, and also of the due organization of said company. Evidence.

§ 5. That section 5 of the act amendatory of the original charter of said company, which amendatory act is approved February 14, 1857, is hereby declared to give said company the power to deal in real estate for the purpose only of facilitating the acquisition of the title to lands for the right of way, depot grounds, and other necessary purposes, and does not grant any power to speculate in real estate. Meaning of the section.

§ 6. The county courts or board of supervisors, where the township organization is adopted of [in] the counties of and Scott, and the corporate authorities of the and city of Beardstown shall, on the request of said company, transmit to the state auditor the amount of stock they have respectively subscribed to the capital stock of the Rock Island and Alton Railroad Company (now the St. Louis, Alton and Rock Island Railroad Company,) together with a statement of the bonds issued and to be issued by them, respectively, with the accrued and accruing interest; and it shall be the duty of the auditor, in making out forms for each county. to prepare columns for the amount of interest required to be raised annually to meet the interest on such bonds, which shall be collected at the time and in the manner of collecting the state revenue and paid into the county treasury; and the collectors of said counties shall be allowed the same compensation as they receive for collecting state revenue, to be paid by said counties, and for the faithful discharge of their duties, shall, severally, be required to give bond and security, to be approved by the county clerks of the respective counties: *Provided*, that if any general law for the levying and collecting of taxes for the collection of the interest upon the bonds issued by counties, cities or towns in this state for railroad purposes shall be passed, then this section to be null and void and of no effect. Assessments.

§ 8. The St. Louis, Alton and Rock Island Railroad Company shall have the right, as an amendment to the 15th section of the original act incorporating the Rock Island and Alton Railroad Company, to mortgage their tolls, rents and incomes. Mortgage.

§ 9. This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y  
4, 1859.

AN ACT in relation to the Sangamon and Northwest Railroad Company.

Power to sell  
road.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Sangamon and Northwest Railroad Company be and they are hereby authorized and empowered to sell, either at private or public sale, and to convey to the purchaser, so much of the branch of their said railroad as lies between the city of Alton, in Madison county, and Bloody Island, opposite the city of St. Louis, Missouri; and to take and receive, in payment and discharge of the consideration of such purchase, the indebtedness of said company created in the construction of said branch of the said railroad.

Rights of pur-  
chasers.

§ 2. That the purchaser or purchasers of said branch railroad, under and by virtue of the preceding section, be and they are vested with all the rights, privileges, powers and franchises conferred upon said Sangamon and Northwest Railroad Company, by the original charter of said company, or any amendment thereof, so far as such rights, privileges, power, franchises may be necessary to construct, complete and operate said branch of said railroad, and no further.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 4, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the Savannah and Wisconsin State Line Railroad.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Bradford, Gilson Adams, Andrew Belk, Joel H. Morse, William H. Leland, Julius Bastress, Milton Claypool, Edward Hunt, Porter Sargent, William Logan, Joseph Shipton, James W. White, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Savannah and Wisconsin State Line Railroad Company;" with perpetual succession; and by that name be and they are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or any other place; to make, have and use a common seal, and the same to alter or renew at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as herein after set forth and specified; and said company are hereby authorized and empowered to locate, construct and finally

complete a railroad, from the state line of Illinois and Wisconsin, commencing at a point between the N. E. corner of fractional section No. 13 and the N. W. corner of fractional section No. 14, in township No. 29 north, range 6 (six) east of the 4th principal meridian, in the county of Stephenson, and state of Illinois; thence running westwardly to Nora, in Jo Daviess county, aforesaid, *via* of Winslow, in the county of Stephenson, aforesaid; thence southwardly, to the Mississippi, at or near Savannah, in the county of Carroll, and state aforesaid; and from thence to Whiteside city, in Whiteside county, upon the best and most eligible route, between the above mentioned points. And for this purpose the said company are hereby authorized to lay out their said railroad, of the width of one hundred feet; and in case of embankments and crossings, if more than one hundred feet shall be necessary, then the said company may take and use as much more ground, rock, stone or gravel, as shall be necessary for the proper construction and security of their said railroad.

§ 2. The capital stock of said company shall consist of Capital stock. eight hundred thousand dollars; with the privilege of increasing the same to one and a half millions of dollars; to be divided into shares of one hundred dollars each. All the corporate powers of said company shall be vested in and executed by a board of seven directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their office for one year and until their successors shall be elected and qualified, and shall have power to appoint all necessary clerks, a secretary, treasurer and all other officers deemed necessary in the transaction of the business of the said company.

§ 3. The said company is hereby authorized, by their Right of way. agents, surveyors and engineers, to cause such examinations and surveys to be made of the ground and the country, between the said points above mentioned, as shall be necessary to determine and select the most direct and feasible route, whereon to construct their said railroad. And it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as will or may be necessary for the construction and maintenance of the said railroad, its depots, side tracks, water stations, engine houses, machine shops and other buildings and appendages, necessary to the construction and working of said railroad: *Provided*, that lands or real estate, so entered upon and taken possession of and by the said corporation, used for the benefit of said railroad, shall be paid for, in damages, by the said company or corporation, at such prices as shall be agreed upon by the said company and the owner or owners of such lands; and in case of disagreement, the price shall be estimated, fixed and recovered in the same manner as is provided for in the taking of lands for the construction of public roads, canals and other public works, as provided by



the act concerning the right of way, approved March 3d, 1845.

Injur .

§ 4. If any person shall willfully, maliciously or wantonly and contrary to law obstruct the passage of any car on said railroad, or any part thereof, or anything belonging thereto, or shall damage, break or destroy any part of the said railroad or implements or buildings, he, she or they, or any person or persons assisting, shall forfeit and pay to the said company, for every such offence, treble the amount of damages that shall have been sustained by any such conduct; which damages may be sued for and collected by said company, before any court having jurisdiction in such cases; and such offender or offenders shall be guilty of a misdemeanor, and shall be liable to an indictment, in the same manner as other indictments are found, in any county where such offence shall have been committed, and, upon conviction, every such offender shall be liable to a fine, not exceeding five thousand dollars, for the use of the county where such indictment may be found, and may be imprisoned in the county jail for a term not exceeding six months at the discretion of the court.

Meetings.

§ 5. The time for holding the annual meeting of the directors shall be fixed and determined by the by-laws of said company; and at all meetings each stockholder shall be entitled to one vote for each share of the capital stock he may hold at the time of such meeting. Said vote may be cast in *propria persona*, or by lawful proxy: *Provided* that all installments and assessments, which may have been called, shall have been paid prior to such election by the person offering his vote.

Proviso.

Commissioners

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called, by twenty days' notice in public newspapers printed in Jo Daviess or Stephenson counties or in any other newspaper, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall keep said books open until fifty thousand dollars of the capital stock shall have been taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed, whenever the commissioners of said company shall call for the same. The commissioners of said company shall immediately thereafter call a meeting of the stockholders, by giving thirty days' notice in some newspaper printed in the county [of Stephenson or Jo Daviess, of the time and place of said meeting; and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall

be a director in said company, except he shall own at least four shares of the capital stock.

§ 7. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of said company by operation of law, as in this act provided, shall, on the payment of the amount of money belonging to the owner or owners of said lands, as a compensation for the same, become the property of said company, in fee simple. Right of way.

§ 8. The said company may transport on said railroad any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them; and may fix and establish, take and receive such rates of toll, for all passengers and property transported upon their road, as the directors of said company shall, from time to time, establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws and ordinances that they may deem necessary and expedient, and necessary to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company. Transportation.

§ 9. In case of death, resignation or removal of the president, vice president or any director, at any time before the annual election, such vacancy shall be filled for the remainder of the year by the board of directors. And in case of absence of the president or vice president the board of directors shall have power to appoint a president, *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said company may provide. In case it shall at any time happen that an election shall not be made on any day on which, in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said company. Vacancies.

§ 10. That when the lands of any *feme covert*, persons under age, *non compos mentis*, or out of the state, shall be taken in the construction of said railroad, as is provided by this act, the company shall pay the amount that shall be awarded as due to the last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum; that the damages to be paid by said company for the taking of the lands of the persons named in this section, shall be estimated and assessed in the manner now, in such cases, provided by law. Feme covert,  
&c.

§ 11. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or stream of water, or water course, or road, Streams and  
roads.

or highway, on the route of said railroad, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the said road, stream of water, water course, road or highway, thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

Connection.

§ 12. Said company shall have the power to unite their railroad with any other railroad, now constructed or which may hereafter be constructed, within this state, on the line of said road, or at the terminus thereof, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose full power is hereby given the said company to make and execute such contracts with any other company as will secure the object of such connection.

*And be it further enacted*, That said company shall have full power to consolidate their said company with that of any other in the state, with all the benefits and immunities which may be derived from such consolidation.

Borrow money

§ 13. That the said railroad company, by this act of incorporation, shall have full power to borrow money, on the credit of the said company, not exceeding its authorized capital stock, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and may execute bonds therefor, with interest coupons thereto annexed, and secure the payment of the same by mortgage or deed of trust on the whole or any part thereof of the said railroad stock and income of the company, then existing or thereafter to be acquired; and may annex to such mortgage bond the privilege of converting the same into capital stock of the company, at par, at the option of the holders, if such election be signified, in writing, to the company three years before the maturity of said bonds.

Bonds.

§ 14. That the directors of said company may and they are hereby authorized to negotiate and sell the bonds of the said company at such place, either within or without this state, and at such rates and for such prices as, in their opinion, will most advance the interests of the said company; and such bonds are thus negotiated and sold at discount below their par value such sale and disposal thereof shall be valid and binding on the company, in every respect, as they had been sold and disposed of at their par value.

Mortgage.

§ 15. That the said company, in securing the payment of said bonds by a mortgage or deed of trust on the road property and income of the company, shall have power to execute a mortgage, or deed of trust, aforesaid, to receive the payment of the full amount of bonds which the company may at the time said deed of trust or mortgage bears date or any time thereafter, desire to sell and dispose of and may execute and sell, from time to time, such amount of said bonds, and of such dates, and payable to such persons



sons, as to the directors of said company may seem advisable, until the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold; and the said mortgage or deed of trust shall be as valid and effectual, to secure the payment of the bonds so executed and sold, and of every part thereof, as if the same and every part thereof had been executed of even date with the said deed of trust or mortgage.

§ 16. This act to be in force from and after its passage, and is hereby declared a public act; *Provided*, said road shall be commenced within two years and finished within seven years from the passage of this act. Proviso.

APPROVED February 24, 1859.

AN ACT to repeal an act entitled "An act to incorporate the Shawneetown and Equality Railroad Company." In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "An act to incorporate the Shawneetown and Equality Railroad Company," approved February 16th, 1857, be and the same is hereby repealed. Repeal-

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to incorporate the Springfield and Pekin Railroad Company," approved February 12th, 1853. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of "The Springfield and Pekin Railroad Company" be changed, and that hereafter said company be known and called by the name and style of "The Peoria and Springfield Railroad Company." Name changed

§ 2. The following named persons, Sidney S. Pulsifer, George Straut, James Hains, George Blanc, Milam Alkire, George H. Campbell and John Williams, are hereby appointed commissioners, in the place of the persons who are named in the first section of the act to which this is an amendment. They are hereby vested with as full powers to carry into effect the provisions of said act as though they were first appointed. A majority of the above named per- Commissioners

sons shall constitute a quorum, and be capable of doing any business preparatory to the organization of said company.

Repeal.

§ 3. That section eight of the act to which this act is amendatory be and the same is hereby repealed.

Proviso.

§ 4. *Provided*, that said new company shall be liable for all debts, obligations and contracts heretofore incurred by said Springfield and Pekin Railroad Company.

§ 5. This shall be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y  
24, 1864.

AN ACT to incorporate the State Line and Mendota Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William A. McConnell, Schuyler Benson, Charles H. Tryon, Neill Donnelly, Lawrence S. Church, Joel H. Johnson, M. L. Joslyn, James Watterman, Horatio Mason and Wm. M. Jackson, Cornelius Lansing and Charles H. Gilman, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Mendota and State Line Railroad Company," for the term of fifty years; and by that name be and they are hereby made capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally to complete a railroad from any point on the state line, between the states of Wisconsin and Illinois, in the town of Richmond, in McHenry county, through the villages of Woodstock and Sycamore, to Mendota, in La Salle county; and for such purpose the said company are authorized, upon such route as they may select, to lay out and construct their said railroad, wide enough for a single or double track, through the whole length—the width of said road to be determined by said corporation; and for the purpose of cuttings, embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of said railroad.

Capital stock.

§ 2. The capital stock of said company shall consist of three millions of dollars, which may be increased, if thought advisable by said company, to be divided into sums of one hundred dollars each. The immediate government and di-

rection of said company shall be vested in thirteen directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided; who shall hold their office for one year after their election and until others shall be duly qualified as such; and the said directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number to be the president of said company; they shall also elect a secretary and treasurer at the same time.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between the said state line and Mendota as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation, for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located and determined by said corporation, shall be paid for by said company, in damages, if any sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation, at such price as may be mutually agreed upon by the corporation and the owner or owners of such land; and in case of the disagreement between the said corporation and the owners thereof, the price shall be estimated and fixed and recovered in the manner provided for under the act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849, and any act or acts passed amendatory or supplemental thereto.

§ 4. The time of holding the annual meeting of said company, for the election of directors, shall be fixed and determined by the by-laws of said company; and at all meetings such stockholder shall be entitled to vote, in person or by lawful proxy, one vote for each share of the stock he, she or they may hold, *bona fide*, in said company.

§ 5. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall give at least twenty days' notice of the time and place when and where such books shall be opened, in two newspapers published at Woodstock and Sycamore; and shall keep said books open until the sum of fifty thousand dollars of the capital stock of said company shall be taken. Said



commissioners shall require each subscriber to pay five dollars on each share subscribed by him, at the time of subscribing: and when the said sum of fifty thousand dollars shall have been subscribed, the said commissioners shall call a meeting of the stockholders, at some place on the line of said road, by giving at least twenty days' notice of the time and place of such meeting, in newspapers published as aforesaid, for the purpose of choosing the number of directors aforesaid for said company; and when the directors of said company are chosen, the said commissioners shall deliver such subscription books, with all sums of money received by them, as commissioners, to said directors. No person shall be a director in said company unless he shall be a stockholder thereof.

Right of way.

§ 6. The right of way and real estate purchased for the right of way and depot grounds, by said company, whether by mutual agreement or otherwise, or which shall become the property of the company, by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands, as a compensation for the same, become the property of said company, in fee simple.

Transportation.

§ 7. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam or animals or any combination of them, and may fix, establish, take and receive such rates of toll, for all passengers and property transported upon the same, as the said directors shall, from time to time, establish: and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property and transferable in such manner as shall be provided by the by-laws and ordinances of said corporation.

Vacancies.

§ 8. In case of the death, resignation or removal of the president or any director, at any time, or the vice president thereof, between the annual elections, such vacancy may be filled, for the remainder of the year, in the manner prescribed by the rules and by-laws of the company. And in case of the absence of the president and vice president the board of directors shall have power to appoint a president, *pro tempore*, who shall exercise such powers [and] functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be made on any day in which, in pursuance of this act, it ought to be made, the said corporation shall not for that cause be dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

§ 9. That when the lands of any *feme covert*, person Femes covert, &c. under age, *non compos mentis*, or any non-resident of the state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to said owner or owners, respectively, whenever the same may be lawfully demanded, together with six per cent. per annum, or may deposit the amount with the county treasurer of the county in which the land so taken lies.

§ 10. That whenever it shall be necessary for the construction of said railroad to intersect or cross any water Streams and roads. course, or any road or highway, lying between the points aforesaid, it shall be lawful for the corporation to construct their railroad across or upon the same: *Provided*, that the corporation shall restore the water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

§ 11. That it shall be lawful for the directors to require Calls. the payment of the sums subscribed to the capital stock at such times and in such proportions and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required and of the place time when and where the same are to be made, at twenty days' notice previous to the payments of the same, in some public newspaper published in at least one of the counties through which said road may be constructed.

§ 12. For the purpose of facilitating the construction of the railroad authorized by this act, the said corporation is Loans. and shall be permitted to negotiate a loan or loans of money, to the amount of the capital stock, and to pledge all of its property, real and personal, and all of its rights, credits and franchises, for the payment thereof.

§ 13. The said company shall commence the construction Time. of said railroad within three years and complete the same within ten years from the passage of this act.

§ 14. It shall be lawful for the company created by this Consolidation. act to unite with any other railroad company which may have been or hereafter shall be incorporated by this state or the state of Wisconsin, upon such terms and conditions as each of the companies may mutually agree, and to grant to such company or companies the right to construct and use any portion of the road hereby authorized to be constructed, as agreed upon aforesaid.

APPROVED February 24, 1859.

In force February 18, 1859.

AN ACT to incorporate the St. Charles Railroad Company.

Directors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Oliver M. Butler, Henry Stevens, Peter J. Burchell, James S. Van Patten, D. L. Eastman, of the town of St. Charles, county of Kane, and state of Illinois, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The St. Charles Railroad Company," and by that name and style shall have perpetual succession; and said company are hereby made capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts, in law and equity, and other places; of contracting and being contracted with. And said company shall have authority to make, use and have a common seal, and the same to renew and alter at pleasure. And said company are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the object and purposes of this act hereinafter mentioned, set forth or referred to; and to exercise or enjoy, for the purposes of said company, the rights and privileges of natural persons.

Location.

§ 2. Said company are hereby authorized and empowered to locate, construct, establish and finally complete and hereafter use a railroad, commencing at any convenient point within the corporate limits of the town of St. Charles, and running from thence northerly, easterly or southerly, on the most eligible, beneficial, expeditious and practicable route, to connect with the Galena and Chicago Union Railroad Company's road, as it now is or may hereafter be located, either with the main line or what is usually known as the Dixon Air Line of said company's road. And the said company are hereby empowered, in the construction of said railroad, to lay out said railroad wide enough for a single or double track throughout the whole length; and for the purpose of constructing the same and for materials, stone, earth and gravel, may take and use as much more land, on the sides of the same, as may be necessary for the proper construction and security of said road.

Capital stock.

§ 3. The capital stock of said company shall be fifteen thousand dollars, but may be increased to fifty thousand dollars; to be divided into shares of one hundred dollars each share. The immediate government, control and direction of the affairs and organization of said company and company franchises, shall be vested in the persons named in the first section of this act, and a majority of them shall form a quorum, with power and authority to adopt such rules and by-laws, and other things to do and perform, necessary to the complete organization of said company and the conducting the same; and to provide for opening books and obtaining subscriptions to the capital stock of said company;



and when fifty shares of the capital stock shall be taken and subscribed for the company may fully organize and go into operation, in the construction and completion of said railroad.

§ 4. When fifty shares shall be subscribed, as aforesaid, the persons named in the first section of this act may call a meeting of the stockholders of said company, on giving at least ten days' public notice of the time and place of meeting, which shall be held at some convenient place in the town of St. Charles, in this state; and shall fully organize said company, by the election of five directors for said company, who shall hold their offices for one year and until their successors shall be elected and qualified. Said directors shall have the same powers and authority and perform the same duties and be governed by the same rules conferred upon and required of the directors of the Galena and Chicago Union Railroad Company, and now in force. Said directors, so elected, shall elect from their number one president, who shall hold his office one year and until his successor is elected and qualified, who shall have the same powers and be governed by the same rules as are conferred upon and required of the president of the said Galena and Chicago Union Railroad Company by law. A majority of said directors, including the president, shall constitute a quorum: *Provided, nevertheless*, that if the inhabitants of the township of St. Charles shall lawfully subscribe or cause to be taken or subscribed the stock mentioned in section three of this act, in that case the persons named in the first section of this act, or a majority of them, may call a meeting of the legal voters of said township, on giving ten days' public notice of the time and place, by either written or printed or partly written and partly printed notices, to be posted in at least three of the most public places in said township; which notices shall specify the purposes for which said meeting shall be called; which meeting shall be held at the same place that other meetings for town purposes are held in said township; which meeting shall be organized as prescribed by law for town purposes, and shall be conducted in like manner; at which time and place the legal voters of said township shall ballot for five persons as directors for said company, and the five persons having the highest number of votes, respectively, shall be declared duly elected as directors for said company, who shall hold their offices one year and until their successors are elected and qualified. The said directors shall have the same powers and authority, perform the same duties and be governed by the same rules conferred upon and required of the directors mentioned in the first clause of this section. The said directors, when so elected, shall elect from their number one president, who shall hold his office for one year and until his successor is elected and qualified, and who shall have the same powers

Meeting of the  
stockholders.

Directors

Quorum.

Powers.

and be governed by the same rules as are conferred upon and required of the president referred to in the first clause of this section. A majority of said directors, including the president, shall constitute a quorum: *Provided, further, nevertheless,* that if the inhabitants of the incorporation of the town of St. Charles shall lawfully subscribe or cause to be taken or subscribed the stock mentioned in section number three of this act, in that case the persons named in section one of this act, or a majority of them, may call a meeting of the legal voters of the said incorporation, on giving ten days' public notice of the time and place, by either written or printed or partly written and partly printed notices, to be posted in at least three of the most public places in said corporation, which notices shall specify the purposes for which said meeting shall be called; which meeting shall be held at the same place that other meetings for corporation purposes are held in said corporation; which meeting shall be organized as prescribed by law for corporation purposes, and shall be conducted in like manner; at which time and place, the legal voters of said corporation shall ballot for five persons as directors for said company; and the five persons having the highest number of votes, respectively, shall be declared duly elected as directors for said company, who shall hold their offices for one year and until their successors are elected and qualified. The said directors shall have the same powers and authority, perform the same duties and be governed by the same rules conferred upon and required of the directors referred to in the first clause of this section.

President.

The said directors, when so elected, shall elect from their number one president, who shall hold his office for one year and until his successor is elected and qualified, and who shall have the same powers and be governed by the same rules as are conferred upon and required of the president referred to in the first clause of this section. A majority of said directors, including the president, shall constitute a quorum.

§ 5. The said company are hereby authorized, by their engineers and agents, to enter upon any lands and make all necessary examinations and surveys for the location of said railroad, and shall be responsible only for the actual damage done to any such lands or premises in so doing.

Right of way.

§ 6. In all cases where said company shall not be able to acquire the right of way through any lands or premises they may wish to occupy, for the purposes of said railroad or its appendages, by purchase or voluntary cession, the same may be obtained in a mode provided by the ninety-second chapter of the Revised Statutes of this state, entitled "Right of Way;" or said company may proceed to obtain such right of way by the provisions of the twenty-second section of an act entitled "An act to provide for a general system of railroad incorporations," passed Nov. 5th, A. D., 1849; and said company shall be entitled to all the beneficial provisions of

said act and the amendments to the same; or said company may proceed to obtain such right of way by the provisions of an act entitled "An act to amend the law condemning right of way for the purposes of internal improvement," in force June 22d, A. D., 1852; and said company shall be entitled to all the beneficial provisions of that act.

§ 7. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of the company, as they may deem necessary, to aid in the construction of said road, and to pay any rate of interest therefor, not exceeding ten per cent. per annum, and to pledge and mortgage the said railroad and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan, at such rates or on such terms as the board of directors may determine. Borrow money.

§ 8. It shall be lawful for the directors of said company to make calls for the payment of sums subscribed to the capital stock of said company, at such time or times and in such amounts as they shall deem fit, not inconsistent with the terms of the subscription, giving at least not less than thirty days' notice of each of said calls, in a newspaper published in the town of St. Charles or in Kane county; and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall have become due and unpaid, the said board of directors are hereby authorized to declare said stock so in arrears and all sums previously paid thereon forfeited to said company. Calls.

§ 9. The township of St. Charles is hereby authorized to subscribe for shares of stock in the said railroad company, in any sum, not exceeding fifteen thousand dollars; and which stock, so subscribed for, shall be under the control of the supervisor of said township or of any other agent or agents that said township may duly appoint, in all respects as stock subscribed by individuals: *Provided*, that when any stock is subscribed to said railroad company under this act the time of the payment of the same shall be so fixed that not exceeding the sum of four thousand dollars, principal and interest, shall fall due in any one year. Township of St. Charles authorized to subscribe.

§ 10. That for the payment of the stock so subscribed the township of St. Charles is hereby authorized to issue to said company the bonds of said township, at par, bearing interest not exceeding ten per cent. per annum, payable annually, with interest coupons annexed; said bonds to be payable on the first Monday of April, in whatever year they may be made payable, and executed by the supervisor of said town and countersigned by the town clerk, to an amount equal to the par value of the shares of stock subscribed, and Bonds.



to pledge the faith of said township for the annual payment of the interest and ultimate redemption of the principal; which bonds may run any period, not exceeding ten years, that the said town or its supervisor or agents for that purpose may determine.

Election.

§ 11. That before the stock aforesaid shall be subscribed an election shall be held to ascertain whether the citizens of said township are desirous that such subscription be made; which said election shall be called by the town clerk, whenever so requested by the supervisor of said township, and held and conducted and the returns thereof made in like manner as at the annual town meeting for the election of township officers for said township.

Ballots

§ 12. The vote shall be taken by ballot, upon which shall be printed or written or partly printed and partly written "For a Railroad §——," (specifying how much,) or "Against a Railroad." If it shall be found that a majority of the legal voters and tax-payers of said township, voting upon the question, have voted "For a Railroad," the amount to be subscribed to such railroad company shall be the greatest sum for which there shall be the greatest plurality of votes in the ballot so taken. And in case there shall be no affirmative majority vote "For a Railroad," at the first election called for such purpose, other meetings may be called, for a like purpose, which, whenever called, shall be conducted in a like manner, whenever the supervisor of such township shall be petitioned so to do by at least fifty of the legal voters and tax-payers of said township, not exceeding three times in each year, until an affirmative vote may be had "For a Railroad," by a majority as aforesaid. In case a majority of the tax-payers voting at such election be "For a Railroad," the amount to be subscribed shall be ascertained, as aforesaid, and such sums shall be the true amount authorized by said township to be subscribed to said railroad company; which subscription, when thus ascertained, the supervisor of said township or such agents as said township, for that purpose, may duly authorize, shall duly subscribe for such stock to said railroad company; and, when so made, such subscription shall be binding upon said township forever. The bonds which shall be issued under the provisions of this act, shall be issued for any sum, not less than one hundred dollars each, and in the aggregate not to exceed the amount of stock subscribed to said railroad company, under this act: *Provided*, the said supervisor or the said agent of said township may, at any time, issue to said company the full amount of bonds to be issued in payment of such subscription, whenever, in his or their discretion, they may deem it advisable so to do.

Meeting of tax-payers.

§ 13. Whenever called upon so to do by at least fifty tax-payers of said township, the supervisor shall cause to be called a meeting of the said tax-payers of such township,

aforesaid, to be called and conducted in like manner, as aforesaid, to ascertain if such township will subscribe other and further stock to said railroad company, until the full sum of fifteen thousand dollars of such stock may be so taken, as aforesaid, and no more; it being the intent and meaning of this act to enable said township, from time to time, as it may determine, to subscribe stock to said railroad company in the aggregate not to exceed fifteen thousand dollars—the amount to be ascertained and subscribed and paid as mentioned in this act.

§ 14. The said township of St. Charles is hereby authorized and required to levy and collect a special tax upon all the taxable property in said township, sufficient to pay the accruing interest, annually, or any sum or sums they may subscribe or cause to be subscribed, under the authority of this act, to said railroad company, and to pay the said subscription, as it may become due, at a rate of not exceeding four thousand dollars, principal and interest, in any one year. Said tax to be levied and collected at the same time and in the same manner that other taxes of said township are levied and collected; and when collected shall be applied to the payment of the annual interest and principal of any bonds to be hereafter issued by said township of St. Charles, so fast as they shall fall due, as provided for by this act, and to no other purposes whatever, until the whole of the bonds so issued, with the interest thereon, are paid in full. And the said township shall have the same rights, powers and remedies to enforce the collection of such tax, by the sale of property or otherwise, as is provided for the collection of other taxes for revenue and other purposes.

§ 15. This act to be in force from and after its passage.  
APPROVED February 18, 1859.

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AN ACT to amend an act entitled "An act to amend an act entitled 'an act to incorporate the St. Clair Railroad Company,'" approved February 11th, 1853. In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John How, of the city of St. Louis, and state of Missouri, and his associates, shall succeed to and have and exercise all the rights, franchises, powers and immunities heretofore enjoyed by the St. Clair Railroad and Coal Company; and the corporate name is hereby changed to "The Pittsburg Railroad and Coal Company." Name changed.

§ 2. The said Pittsburg Railroad and Coal Company is hereby authorized to acquire a new right of way, entire or in part, by purchase, commencing at the corporate property

of said company, in St. Clair county, and extending westwardly to the Mississippi river, opposite to the city of St. Louis, in the state of Missouri.

Liability.

§ 3. The company hereby created shall be liable to pay all debts contracted by the St. Clair Railroad and Coal Company, for labor on said road or in digging coal for said company.

§ 4. This act shall be in force from and after its passage.

APPROVED February 19, 1859.

IN force Feb'y 18, 1859. AN ACT for the more perfect organization of the Sterling and Rock Island Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Sterling and Rock Island Railroad Company is hereby declared to be a subsisting corporation, duly organized under the "Act to provide for a general system of railroad incorporations," in force November 5th, A. D. 1849, their certificate of organization having been duly filed in the office of the secretary of state, in accordance with the provisions of said act.

Location. The said corporation shall have the following rights, powers, privileges and immunities, any thing in their organization as aforesaid to the contrary notwithstanding. The said corporation shall have the power to construct and, during its continuance, to maintain a railroad, with a single or double track, with such appendages as may be deemed necessary for the convenient use of the same, from the city of Sterling, in the county of Whiteside, by way of Lyndon, Erie, Cordova and Port Byron, to the city of Rock Island, on such line as they shall deem most eligible.

Capital stock. § 2. The capital stock of said corporation shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and the said capital stock may, at any time hereafter, be increased to an amount not exceeding one million of dollars, if the same shall be judged necessary for the completion of the work; and said additional stock shall be subscribed for, taken or disposed of, in such manner as the directors of said corporation shall, for that purpose, order and appoint.

Directors. § 3. The affairs of the corporation shall be managed by a board of nine directors, to be annually elected by the stockholders, from among themselves, by ballot, at such time as shall be fixed upon by the by-laws of said company—the first annual election to be held at such time, within one year from the passage of this act, and in such manner as the present board of directors shall appoint. Each stock-



holder shall be entitled to one vote for each share of stock owned by him, unless the same shall have been assigned to him within thirty days next preceding the time of such election; but no stockholder shall be allowed a vote at such election, or otherwise, on any shares of stock, unless all installments due on said stock shall have been paid. The directors, so elected, shall hold their office until their successors are elected; and in case of a vacancy occurring, by the resignation, death, inability or failure to act of any director, the vacancy may be filled by the remaining directors.

§ 4. The said corporation is authorized to construct, make, Transportation use and maintain a railroad, with a single or double track, of suitable width and dimensions, to be determined by said corporation, on the line, course or way which may be designated by the directors whereon to construct the same; and shall have power to regulate the time and manner in which goods, effects and passengers shall be transported, taken and carried on the same; and to prescribe the manner in which said railroad shall be used, and the rates of toll on the transportation of persons or property thereon; and shall have power to erect and maintain depot and station buildings, engine houses, machine shops and other buildings and things, for the accommodation and management of said road and transport thereon, as may be deemed suitable for their interest, as [well as] side tracks to any coal mines in either of said counties. And it shall also be lawful for said corporation to unite or to consolidate with any other railroad company, already incorporated or which may be incorporated, upon the whole or any portion of the route of the said railroad, or to run their trains over the whole or any part of connecting railroads, upon such terms as may be agreed upon by the directors of said company.

§ 5. The stockholders of said corporation shall be individually liable to the creditors of said corporation, to such Liability. amount only as the amount of installments that shall remain due and unpaid on the stock held by them, respectively.

§ 6. Said corporation are authorized to use such portions Streams and roads. of any public highways and streets, bridges and water courses, as they may intersect, pass over or through, upon and along, in the construction of their road, but shall be bound to repair the same, and restore the same, as far as practicable, to as good condition as they were before they were so used. And said corporation is hereby vested with the further rights, powers, privileges and immunities granted and contained in the "Act to provide for a general system of railroad incorporations," in force November 5th, 1849. And all contracts, acts, matters and things, hitherto made and done by said corporation, are hereby as fully legalized and made valid as though this act were then in force.

§ 7. In case said railroad shall not be completed within Time. ten years from the passage of this act the privileges hereby

granted shall be forfeited. But should said company arrange to use the track of any other railroad company, on any portion of their route, such portion may be held to be completed within the meaning of this act. But in case such arrangement shall at any time cease then the rights of this corporation in relation to the construction of that portion of said road, shall revive.

Acceptance.

§ 8. This act shall take effect from and after its acceptance by the stockholders representing a majority of the stock then held in said corporation, in such manner as shall be fixed upon by the board of directors, and shall be deemed and taken as a public act.

APPROVED February 18, 1859.

In force Feb'y 19, 1859. AN ACT approving and legalizing the construction of the Sycamore and Cortland Railroad Company, and to incorporate the same.

Preamble.

Whereas the Sycamore and Cortland Railroad Company became a body corporate and politic on the 29th day of June, A. D. 1858, by filing articles of association with the secretary of state, in accordance with the provisions of sections one and two of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5, 1849; and whereas the said Sycamore and Cortland Railroad Company did, on the 23rd day of June, 1858, elect, as a board of directors, to manage the affairs of said company, the following persons, to wit: John C. Waterman, Henry L. Boies, Reuben Elwood, Edward L. Mayo, William J. Hunt, Horatio F. Page, Orlando M. Bryan, Morris Walrod, Daniel B. James, Enos L. Cheesbro, jr., Benjamin Page, Timothy Wells and Harmon Payne; and whereas, also, it is found inconvenient and impracticable to construct and put in operation and operate said road without greater powers than are granted in and by said act to provide for a general system of railroad incorporations; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said John C. Waterman, Henry L. Boies, Reuben Elwood, Edward L. Mayo, William J. Hunt, Horatio F. Page, Orlando M. Bryan, Morris Walrod, Daniel B. James, Enos L. Cheesbro, jr., Benjamin Page, Timothy Wells and Harmon Payne, and their associates, be and they are hereby created a corporation, by the name of "The Sycamore and Cortland Railroad Company," for thirty years; and, as such, shall possess the rights, powers and franchises usually possessed by such corporations, and also all the privileges, pow-

Corporators.

ers, rights and franchises at any time heretofore possessed or acquired under and by virtue of their incorporation under the aforesaid act entitled "An act to provide for a general system of railroad incorporation;" and by that name and style shall be capable, in law, of taking and holding, by gift, purchase or otherwise, leasing, selling and conveying estate and property, whether real or personal or mixed, so far as the same may be necessary for the purposes of completing, running and enjoying said railroad privilege to its fullest extent, and no further: to have a common seal, which they may alter or change at pleasure.

§ 2. The business of said company shall be managed by thirteen directors; and the persons named in the first section of this act shall be the first directors thereof, and so continue until a new board shall be elected under this charter; which shall take place as soon as a majority of the stockholders shall call such an election; which shall be done by the secretary giving ten days' notice, in any paper published in De Kalb county. And the directors elected at the time set shall hold over until the first Monday in January following or until a new election of directors shall take place; which election shall take place on the first Monday of January next, and on the first Monday of January of each year thereafter; and the secretary of said company shall publish a notice of such an election for ten days previous to the election. Directors.

§ 3. The said company may construct and complete their road from Sycamore, in the county De Kalb, to Cortland, in said county, or to extend said road, in any direction, to connect with the Galena and Chicago Union Railroad Company or its branches, in such manner and on such terms as the respective companies can agree. Location.

§ 4. The board of directors of said company shall have the right to fix and regulate, from time to time, the charges for all freights and fares over said road. Charges.

§ 5. Should said company experience any difficulty in obtaining the right of way over any lands over which it may be necessary or convenient to run said railroad, and in case said company shall not be able to obtain the title to any lands or premises which may be necessary for the purposes of said road and its appendages, by purchase or voluntary cession, the same may be obtained in the manner provided by the 92nd chapter of the Revised Statutes of this state, entitled "Right of Way:" *Provided*, that after the appraisal of damages, in pursuance of said act, and upon deposit of the amount of such appraisal in the office of the circuit court of the county of De Kalb, the said company shall be authorized to enter upon such lands, for the construction of said railroad: *Provided, also*, that said company shall be authorized to take a strip of land, not to exceed Right of way.



one hundred feet in width, for the purposes of a grade and track for said railroad.

By-laws.

§ 6. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be decided expedient and necessary to fulfill the purposes and carry into effect the object of said railroad corporation, and for the well ordering and securing the affairs and interests of said company, not inconsistent with or repugnant to the constitution and laws of the United States or of this state: *Provided*, that all such by-laws that may be adopted shall be printed and distributed among the stockholders of the company.

Borrow money.

§ 7. That the said company are authorized and empowered to borrow, from time to time, such sums of money as, in their opinion, may be deemed necessary to aid the construction of said road, and pay any interest therefore, not exceeding ten per cent., and to pledge and mortgage the said railroad and its appendages, or any part thereof, or any other property or effects, rights, credits or appendages of said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rate or on such terms as the board of directors may determine.

Injuries.

§ 8. That any person who shall willfully injure or obstruct the said road, or any of its appurtenances thereto, shall be deemed guilty of a misdemeanor, and shall forfeit, to the use of the same company, a sum threefold the amount of the damages occasioned by such injury or obstruction—to be recovered in an action of debt, in the name of said company, with costs of suit, before any justice of the peace having jurisdiction of the same or before any court of record of this state.

Streams and  
roads.

§ 9. That said corporation may construct their said road and branches over or across any stream of water, water course, road, railroad, highway or canal, which the route of the road shall intersect, by putting the same in repair.

Public act.

§ 10. This act shall be deemed and taken as a public act, and shall be construed beneficially, for all purposes herein specified and intended, and shall take effect from and after its passage.

APPROVED February 19, 1859.

AN ACT to amend "An act to incorporate the Tonica and Petersburg Railroad Company," approved January 15th, 1857, and also to amend "An act supplemental to an act to incorporate the Tonica and Petersburg Railroad Company," approved February 16th, 1857. In force Feb'y 14, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said corporation is authorized to receive subscriptions to its capital stock, payable at any time and in any manner and at any rate of interest, not exceeding ten per cent. per annum, which may be agreed upon by said corporation and the subscribers to the capital stock thereof. Subscriptions.

§ 2. The provisions of "An act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations,'" approved Nov. 6th, 1849, and also of "An act to facilitate the construction of railroads," approved March 1st, 1854, are hereby declared and made applicable to each and every town now incorporated or that may hereafter be incorporated, situated on or near the line of "The Tonica and Petersburg Railroad," and the corporate authorities of any such incorporated town may order an election or elections to be held in such town, by the legal voters thereof, upon the question whether the town, in its corporate capacity, will or will not subscribe to the capital stock of "The Tonica and Petersburg Railroad," any sum not exceeding fifty thousand dollars. And in case said election shall be held, the same shall be conducted as other town elections; and if [at] any such elections, a majority of the voters voting shall be in favor of making such subscription, all the provisions of the two acts recited in this section, and also of all other general laws relating to subscriptions by counties to the capital stock of railroad companies, shall apply to and govern the corporate authorities of such town, in making such subscription and in all the subsequent proceedings relating thereto; and the rights of such town against said corporation shall be the same, with the like remedies to enforce such rights, as the rights and remedies of counties in cases of county subscription. Act made applicable.

§ 3. That any township now or hereafter organized under the township organization laws of this state, which may be situated on or near the route of the Tonica and Petersburg railroad, or of any branch of said road, is hereby authorized to subscribe to the capital stock of said company, in any sum not exceeding fifty thousand dollars for each township. Township authorized to subscribe.

§ 4. No such subscription shall be made until the question has been submitted to the legal voters of the township in which the subscription is proposed to be made, and the clerk of each of said towns (in which the subscription is proposed to be made) is hereby required, upon the presentation to him of a petition, signed by at least twenty citizens, who are legal voters and tax payers of the town of Election.

which he is clerk (in which petition shall be specified the amount proposed to be subscribed, the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear,) to post up notices in at least three of the most public places of said town, which notices shall be posted at least thirty days before the day of holding such election, notifying the legal voters to meet at the usual place of voting, or some other convenient place in said town, for the purpose of voting for or against subscription; but no such vote shall be taken except at a regular election for town or county officers.

Subscriptions,  
when ordered  
how made.

§ 5. If it shall appear that a majority of all the voters voting at such election have voted for subscription, it shall be the duty of the supervisor of each of said towns that shall vote for such subscription, to subscribe to the capital stock of said railroad corporation, in the name of the town for which he is supervisor, the amount so voted to be subscribed, and to receive from said corporation the proper certificates therefor. He shall also execute to said corporation, in the name of said town, bonds in conformity with said vote, which bonds shall specify the place of payment, and shall in no case bear interest at a higher rate than ten per cent. per annum, and shall run for a term of not less nor more than twenty years, and the interest on the same shall be made payable annually or semi-annually, and which said bonds shall be accepted by said corporation at their par value. Said bonds shall be signed by the supervisor and attested by the clerk of the town in whose name the bonds are issued, and it shall be the duty of said clerk to make a record of the issuing such bonds. Said bonds shall be delivered to the president or secretary of said corporation for the use of said corporation.

Transcript.

§ 6. It shall be the duty of the clerk of each of said towns in which a vote is given for subscription, within ten days thereafter, to transmit to the county clerk of the county in which said town is situated, a transcript or statement of the vote given and the amount voted to be subscribed and the rate of interest named in the bonds, and the times of payment of said interest.

Assessment.

§ 7. It shall be the duty of said county clerk, annually thereafter, to compute and assess upon all the taxable property returned by the assessor of each of said towns which have voted to subscribe a sufficient sum to pay the interest on all bonds issued by the respective towns, which taxes shall be extended on the collectors' books as other taxes are, and shall be collected in the same manner that other taxes are collected, and when collected shall be paid into the county treasury as county taxes are paid.

Duty of treasurer.

§ 8. It shall be the duty of said treasurer of the county in which said town is situated, to pay out, on the presentation to him of the bonds issued by any town as aforesaid, the amount due on each of said bonds as interest, out of any



money in his hands for that purpose, and receive the interest coupons then due and paid by him or other sufficient vouchers; he shall also keep an account with each town of all money received by him and paid out on account of said town, which account shall at all times be open to the inspection of all persons wishing to examine the same.

§ 9. At all elections for officers or other questions voted upon by the stockholders of said corporation, the supervisor of each town making such subscription shall represent and cast the vote which said stock is entitled to. Elections.

§ 10. The supervisor of each town voting for subscription as aforesaid, is hereby authorized to issue and deliver to said corporation the whole of the bonds payable on its subscription, whether the assessments on the other stockholders of said company have been regularly assessed and made payable or not, and said bonds, both principal and interest, may be made payable at any place within or without this state, in conformity with the vote that shall have been taken. Bonds.

§ 11. That in all cases where subscriptions of stock have been made to the said corporation by any county of this state, or shall hereafter be made to said corporation by any county, city or incorporated town, it shall be the duty of the county court of each county and of the corporate authorities of each city and incorporated town, respectively, and they are hereby directed and authorized to levy a sufficient tax to pay the interest and principal as the same matures and becomes due on all the bonds which may have been heretofore issued or may be hereafter issued for said stock, which tax shall be collected at the same time and in the same manner as the taxes are collected for other purposes, and shall remain in force until said bonds are paid off and discharged. And said tax may, from time to time, be increased or diminished so as to produce sufficient funds for payment of said interest and principal of said bonds. And the said county, city or town authorities shall also be empowered to purchase and cancel any of said bonds at any time when there may be funds in the treasury not otherwise appropriated, at such prices as they deem consistent with the best interests of the county, city or town, respectively. County court to levy tax.

§ 12. In every case where an election shall be held by or in any county, city or incorporated town, situated on or near the route of said railroad, as the same has been or may hereafter be surveyed and located, in whole or in part, upon the question whether such county, city or town shall subscribe for any specified amount in shares of the capital stock of said corporation, said election shall be legal and binding upon such county, city or town, if notices thereof are given and the election is conducted in the mode prescribed in an act entitled "An act supplemental to an act entitled 'an act Elections in counties, cities or incorporated towns.

to provide for a general system of railroad incorporations,''' approved November 6th, 1849, or in the mode prescribed in any general law of this state relating to the same subject. And if a majority of the votes cast at any such election shall be for subscription, it shall be the duty of the county court or the corporate authorities of such city or town to subscribe, without unnecessary delay, upon the request of the president of said corporation, for shares of said capital stock to the amount so voted, and to issue and deliver to said company the same amount as the stock so subscribed of the bonds of said county, city or town, (as the case may be,) payable at any time specified, not exceeding twenty years from their date, with annual or semi-annual coupons for not exceeding ten per cent. interest per annum thereto attached, which bonds and coupons may be made payable either within or without this state, as said corporation may request ; and all the provisions of the above mentioned act, approved November 6th, 1849, which are not inconsistent with the provisions of this act, shall apply to and govern every election referred to in this section, and the subscribing for stock and issuing of bonds by virtue of such election, and all other matters relating to such election and the proceedings thereunder or by virtue thereof.

Mails.

§ 13. The said company shall carry and transport the mails of the United States on such terms as may be agreed upon, and all such freights and passengers as may be offered, if required so to do, on the terms usual [with] like railroad corporations.

Real estate.

§ 14. The said corporation is hereby authorized to sell and convey, by deed, in fee simple, all lands, town lots or other real estate belonging to or acquired by said corporation or which may hereafter be acquired by purchase, donation or otherwise, which, in the judgment of its board of directors, is not needed for the purposes of said corporation. And in all sales, conveyances, deeds of trust or mortgages of real estate by said corporation, the conveyances shall be made in the corporate name thereof, and acknowledged by the president, under the seal of the corporation, and attested by the secretary thereof.

Preferred stock.

§ 15. The said corporation are hereby authorized to make and issue a preferred stock, guaranteeing such a rate of interest, not exceeding ten per cent. per annum, and with such priority over the remaining stock of such corporation as may be directed by the board of directors of said corporation. And the said directors may cause subscription books for same to be opened at such times and places as they may direct, which shall be governed by the same rules, regulations and liabilities as provided heretofore in the original charter of said corporation and the several amendments thereto, or by any by-laws or regulations which may be adopted or directed by the said directors. And the said

board of directors may make such by-laws and regulations necessary to give and secure to each original stockholder in said corporation a free pass over the said railroad, when completed, so long as such person may continue the *bona fide* owner of such original stock: *Provided*, that no free pass shall be issued to any such stockholder, unless he is the owner of at least five shares of said capital stock.

§ 16. The said corporation is hereby authorized to borrow such sums of money on the credit of the corporation which may be necessary for constructing, finishing or operating their said railroad, or for any other purpose connected therewith, at a rate of interest, not exceeding ten per cent. per annum, payable semi-annually or annually, and may execute bonds therefor with interest coupons annexed, and secure the payment of the same by mortgage or deed of trust on the whole or any part or any division of said railroad and corporate property, franchises and income of said corporation, then existing or thereafter to be acquired; the said bonds and interest may be made payable either within or without this state; and if the payment of the moneys thereby secured shall be afterwards enforced by a sale of the property thus conveyed by mortgage or deed of trust, such sale shall convey to the purchaser the right to hold and exercise the said franchises as fully as the same right was possessed by said corporation.

Borrow money

§ 17. That said corporation shall have the power to execute a deed of trust or mortgage on the property, road and income of the company or upon any division or part thereof, to secure the payment of such amount of bonds as may be deemed necessary to be issued by the board of directors of said corporation, for the purposes of the road, and said corporation shall have power to execute and sell and dispose of said bonds at the time said deed of trust or mortgage bears date, or shall have power to execute said bonds and sell the same, in whole or in parts, from time to time, and of such dates subsequent to said deed of trust or mortgage, and payable to such person or persons as to said corporation shall seem advisable, till the whole amount of bonds mentioned in such deed of trust is executed and sold; and the said mortgage and deed of trust shall be as valid and efficient to secure the payment of the bonds so executed and sold and of every thereof, as if the same and every part thereof had been executed and sold with even date with the said deed of trust or mortgage.

Mortgage.

§ 18. That whenever the said railroad shall intersect any road, railroad, highway, street or alley, the said corporation shall have power to change the line or grade of the said road, railroad, highway, street or alley, so intersected, if such change be desirable, and shall not impair the usefulness of such road, railroad, highway, street or alley thus intersected, and said corporation may take such additional

Intersecting other roads.



lands as may be necessary for the change of said road, highway, street or railroad, making compensation therefor as in other cases: *Provided*, that in case of intersection with any railroad now incorporated, no change of line of such railroad, so intersected, shall be had, except with the consent of the company so intersected, or in case of disagreement, by the direction and award of arbitrators mutually chosen, one of whom shall be selected by each company, and the third chosen by the two thus chosen.

Damages.

§ 19. That in all proceedings had or hereafter to be had for right of way or condemnation of real estate, for any purpose of said railroad, after any assessment or non-assessment of damages in the premises, by commissioners, and any appeal or other proceedings in the premises by either party, the said corporation may proceed in the construction of the said railroad over and upon said real estate, upon giving bond and security in a sufficient amount to be approved by the clerk of the circuit court of the proper county conditioned to pay to the owner or owners of such real estate all costs and damages that may hereafter be legally taxable and assessed in the premises against said corporation.

Suits.

§ 20. Said corporation may maintain suits against stockholders for non-payment of capital stock in any county through which said road passes, and no stockholder or other person interested in the affairs of said corporation shall be incompetent to testify as a witness or serve in any material capacity in any proceedings, legal or otherwise, where said corporation may be a party.

§ 21. This act shall be deemed a public act, and in force from and after its passage.

APPROVED February 14, 1859.

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In force Feb'y  
24, 1859.

AN ACT to incorporate the Urbana Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William N. Coler, William D. Somers, Thompson R. Webber, Ezekiel Boyden, Edward Ater, James S. Wright, William Park, L. M. Cutcheon, John Gere, Joseph W. Sim, jr., Simeon H. Busey, John Bryan, Elisha Harkness, Joseph Nelson, J. F. Snyder and John C. Kirkpatrick, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "The Urbana Railroad Company," for the purpose of surveying, locating, constructing, completing and operating a railroad, from the city of Urbana, in the county of Champaign, in the state of Illinois, and thence, on the most eligible route,

to the town of West Urbana, in said county; or from the said city of Urbana, on the most eligible route, to some point upon the Great Western railroad, in said county; or either or both, as the said company may determine, whenever the said persons, or their assigns and associates, shall organize, in full compliance with the provisions of an act entitled "An act to provide for a general system of railroad incorporation," approved November 5th, A. D. 1849.

§ 2. Said road, with the points above herein indicated, is hereby declared to be of sufficient public utility to justify the taking of private property, for the location, construction and maintenance thereof; and the company is hereby authorized to take private property, for the purpose of constructing and maintaining the same, in the manner prescribed in the act referred to as aforesaid. Right of way

§ 3. The said company shall have power to receive donations and subscriptions to the capital stock of said company, and shall have power to sell and convey the same. Donations &c.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend an act incorporating the Wabash Railroad Company.

*In force Feb'y 21, 1859.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an election shall be held in the county of Clark, on the first Tuesday of September, 1859, at the several places of holding general elections in said county, and shall be conducted by the officers authorized to hold general elections in said county, under township organization, in all that part of said county lying and being east of range number thirteen; at which election, or any subsequent election, authorized by this act, the qualified voters, having resided thirty days previous to said election within the portion or territory designated in said county, shall be permitted to decide, by vote, whether they will levy upon themselves a subscription of stock, to aid in the construction of the Wabash Railroad, to the amount of fifty thousand dollars, in bonds, to be issued bearing interest at the rate of eight per cent. per annum, payable at the court house of said county, annually, on the first day of January; which bonds shall be redeemable in fifteen years. Election.

§ 2. The manner of voting on said question shall be as follows: Persons voting for said proposition shall cause to be written or printed on their tickets or ballots the words "For Subscription; those voting against said proposition

*Manner of voting.*

shall cause to be written or printed on their tickets the words "Against Subscription."

Notice

§ 3. It shall be the duty of the clerk of the county court to give notice of the election, so to be held, by advertisement, in a newspaper printed in the county; and such notices shall be posted up by the sheriff of the county in three of the most public places in each township in the territory designated, at least thirty days before the election. The poll books shall be carefully filed, and the result of said election shall be specially entered on the records of the township, and an abstract of the votes given for and against subscription shall be certified to the clerk of the county court from each township. The county judge, clerk and treasurer of the county shall examine the returns from each township, and the same shall be preserved by the clerk; and if it shall appear that the aggregate vote of said several towns shall be in favor of taking the stock aforesaid it shall be the duty of the supervisors of said towns, a majority of whom may act, in case of absence, within thirty days after said election, to meet at the county clerk's office, with the county judge, and determine the amount each town shall take and be liable for dividing the aggregate amount between the several towns, *pro rata*, in proportion to the value of taxable property in each town, and issue the bonds therefor at said meeting or at any subsequent time which may be agreed upon, to meet the calls for means in payment of work done on said road; which bonds shall be in sums not less than one hundred dollars, and shall be signed by the supervisor of the town and countersigned by the county clerk, who shall attach the seal of his office thereto; and duplicate lists of the bonds so issued, with the numbers, date and amount thereof, shall be made and signed by the supervisor and county clerk—one of which shall be recorded in a suitable, well bound book by the county clerk and filed in his office—the other shall be deposited by the supervisor with the town clerk, and recorded by said clerk in a suitable book, and the list or schedule filed and preserved.

Act.

§ 4. The county clerk, when making out the tax books for the collector, shall compute the tax due from each taxable person in the township, for the road, in addition to the ordinary taxation, taking as a basis the total amount of taxable property returned by the county assessor, lying within the same; which amount shall be placed in a separate column against each tax payer's name and parcel of taxable property, as it appears in said collector's book, and which shall be collected in the same manner and at the same time and by the same persons as state and county taxes are collected and paid over. The bonds aforesaid and the interest thereon shall be a town charge against the respective towns issuing the same—the amount thereof to be levied and collected as the interest and bonds become due.



§ 5. After the first year of interest collected and paid a Sinking fund. computation shall be made for additional revenue, besides the interest, to be set apart as a sinking fund, in the treasury of the county, to redeem bonds before and at the time they shall become due, as shall be considered advisable for the interest of the company and the bondholders; and when funds shall be on hand the bonds may be purchased and called in; in which case notice shall be given by the company, for at least ninety days, in one or more newspapers in the county, redeeming the bonds of each township in numerical order, as numbered; which shall be specified in said notice; and if not presented at the time stated interest shall cease.

§ 6. In issuing the bonds if any supervisor shall neglect Bonds or refuse to sign in behalf of his township it shall be lawful for the county judge to sign in his place, as and for said supervisor, and the same shall be so stated legal and binding on the township; and if any other officer of said county shall fail or neglect to do and perform any duty enjoined upon him by this act, he shall be subject to a fine of one hundred dollars, to be recovered before any justice of the peace of said county, in the name of Clark county, for the use of said Wabash Railroad Company.

§ 7. Said Wabash Railroad Company are hereby authorized and empowered to take lands and town lots, on Land and town lot subscrip-  
tion. subscription to the capital stock of said company, on such terms and at such prices as may be agreed upon by said company and the person or persons subscribing such stock; and all lands or town lots, when the title shall be vested in said company, may be sold or mortgaged by said company, in such manner as said company may deem advisable.

§ 8. The bonds of the townships, when issued, shall be Bonds. handed over to the treasurer of the company, he receipting on the record of the county clerk for the same, and shall be paid out and disposed of as the work progresses, indorsed by him with the date and the seal of the company, under the direction of the board, in constructing the road within Clark county and no other purpose whatever. And the bonds of Clark county shall not be issued unless the county of Edgar shall make provision for constructing, in like manner, that part of said road in said county, to the satisfaction of the board.

§ 9. The treasurer, before receiving the bonds, shall execute a bond to the company, with approved security, in such sum as the board may require, and shall, if required, at any time, give additional security, to the satisfaction of the board. Security

§ 10. The board of directors of said Wabash Railroad Company are hereby fully authorized and empowered to Change loca-  
cation. change the location of said road, so as to extend the same from Palestine to the Ohio and Mississippi Railroad, at or

near Lawrenceville, should it be deemed advisable and for the best interests of said company so to do.

Expenses.

§ 11. The expenses of said election shall be paid by the county, out of county funds.

APPROVED February 21, 1859.

In force Feb'y 21, 1859. AN ACT to amend an act entitled "An act to incorporate the Western Air Line Railroad Company."

Where changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the said Western Air Line Railroad Company be and the same is hereby changed to the name "American Central Railway;" and the said corporation, by its said new name, shall have all the powers, privileges, franchises and immunities, and continue in the same rights and relations, as to others, and be liable on its existing contracts, the same as it was or could be under its charter and under the laws of Illinois, before the name was so changed.

Township authorized to subscribe.

§ 2. In addition to the powers and authority already conferred by the act to which this is an amendment, the several townships through which said railroad is or may be located, and also all the townships on each side of said railroad line, any portion of which shall be within four miles of the same, now organized or which may hereafter be organized, are severally authorized and empowered to subscribe, in their corporate capacity, to the capital stock of said railroad company such an amount each as they may severally determine, not to exceed sixty cents per acre on the land embraced in such township at the time of voting on the proposition to subscribe, as hereinafter provided; and shall have full power and authority to issue their bonds, to the amount of such subscription, bearing interest at the rate of ten per cent. per annum; both principal and interest payable at such time and times as said township may severally provide: *Provided, however,* that said subscription to the capital stock of said railroad company shall be approved by a majority of the votes polled at any election, to be held for that purpose, in such townships, respectively, as hereinafter provided.

Section.

§ 3. Whenever any five or more of the voters of any such township shall deliver a requisition to the clerk thereof, stating the amount proposed to be subscribed to said capital stock, the number of bonds to be issued, the respective amounts thereof, (no bond exceeding in amount one hundred dollars,) the time when such bonds and interest shall be made payable, and requiring such clerk to call an election for the purpose of approving or disapproving such

proposed subscription, it shall be and is hereby made his duty, within ten days from the time such requisition shall be delivered to him or left at his place of residence, to give notice of such election, by posting, or causing to be posted, three notices thereof in three public places in said township, at least ten days previous to such election. Said requisition may be in the following form:

*To the Clerk of the Township of—County of—and State of Illinois.*

Form of requisition.

Pursuant to the statute in such case made and provided, we, the undersigned, voters of said township, do hereby require you to call an election, to be held in said township, for the purpose of voting for or against the subscription by said township to the capital stock of the—Railroad Company, to the amount of—thousand dollars, the bonds of said township bearing ten per cent. interest per annum, to be issued therefor, as the law directs, in the following amounts and payable at the following times:—Bonds of \$—each, payable—years from date (as the case may be). Dated this—day of—, A. D. 18—.

(Names of voters.)

The notice of such election may be in the following form:

ELECTION NOTICE.

Form of notice

*Township of—, County of—, State of Illinois.*

Whereas a requisition has been delivered to me, signed by upwards of five legal voters of said township, requiring me to call an election, for the purpose of voting for or against the subscription by the said township to the capital stock of the—Railroad Company, to the amount of—thousand dollars, the bonds of said township bearing interest at the rate of ten per cent. per annum, for that purpose, to be issued in the following sums, payable at the following times:

(Here enumerate bonds set forth in the requisition.)

Now, therefore, in compliance with such requisition, and by virtue of the authority in me vested by law, I do hereby give notice that an election will be held at—, in said township, on—the—day of—, A. D. 18—, for the purpose of voting "In Favor of Subscription," or "Against Subscription" to the capital stock of said Railroad Company, and the issuing of the bonds of said township, in manner and form set forth herein. Dated this—day of—, A. D. 18—.

(Name.)

*Clerk of said Township.*

§ 4. On the day of such election, between the hours of eight o'clock, A. M., and ten o'clock, A. M., the voters assembled shall proceed to organize, by choosing, from amongst their number, three persons to act as judges of election and two to act as clerks of said election, after the manner provided in general elections, and who are hereby invested with equal powers and authority as judges and clerks of general elections, and shall conduct the same, when not otherwise provided by this act, after the manner in which general elections are conducted in this state, and shall be entitled to the same compensation as is allowed judges and clerks thereof.

Judge and clerk.

§ 5. It shall be and is hereby made the duty of the judges and clerks of said township election, at the close thereof, which shall be at five o'clock in the evening, of said day, to certify at the foot of the poll books of said election the result thereof, and to deliver such poll books and certificates to the clerk of such township, whose duty it shall be

Returns.



to file one of the same in his office, and the other in the office of the clerk of the county court of said county, within ten days from the day of such election.

Assessment.

§ 6. It shall be the duty of the county clerk, annually, thereafter, to compute and assess upon all the taxable property returned by each of said townships which shall have voted to subscribe a sufficient amount to pay such portion of the principal and the interest as may become due, annually, on all bonds issued by the respective towns, as well as all the expenses attending the election, levying, collecting and disbursing said tax, or incurred in any manner in carrying out the provisions of this act; which tax shall by said clerk be extended upon the collection books, as other taxes are, and shall be collected and its payment enforced in the same manner and at the same time as the taxes for state and county purposes are now or may be collected and enforced; for which services the clerk of said county and the collector shall be entitled to the same fees and per centage as are allowed in other cases for like services, to be paid out of said township tax: *Provided*, that nothing herein contained shall be so construed as to prevent a further vote or votes being taken on the same subject matter by any township within the purview of this act and in the same manner.

Bonds:

§ 7. In all cases where such election shall result in favor of the subscription herein authorized, it shall be the duty of the supervisor of such township to make such subscription and to receive from said company the proper certificates therefor. He shall also execute, in the corporate name, and under the corporate seal of said township, the bonds of said township, and deliver the same to the president or secretary of said company, in proportional installments, as calls shall be made for payment of other subscriptions to the capital stock of said railroad company. Such bonds shall be signed by the supervisor and be countersigned by the clerk of the township in the name of which they shall be issued, and shall have interest coupons thereunto attached, to be signed by said clerk; and it shall be his duty to make and preserve a record of the issuing and delivery thereof: *Provided*, that any dividends, profits or proceeds that may, from time to time, be receivable on said certificates of stock, shall be applied to the payment of the principal or interest of said township bonds, as the same may become due, together with all expenses connected with the same; and to this end such proceeds shall be paid over by the township officer receiving the same to the county treasurer, to be by him disbursed for the use of such township; as hereafter provided.

Payment of  
interest.

§ 8. It shall be the duty of the treasurer of the county in which such township or townships may be situated to pay out, from time to time, to the lawful holders of said bonds, as the same shall be presented to him, such amount or amounts as may be due thereon, as well as all necessary

costs and charges; making proper indorsement or taking proper vouchers therefor. He shall also keep an account with each township making subscription, as aforesaid, of all moneys received by him and paid out on account of such township; which account shall at all times be open to the inspection of all persons wishing to examine the same. He shall also file in the office of the clerk of such township, on the first Monday in August of each year, a full account and report of his doings under this act; and shall be entitled to receive, for his services herein, a like compensation as allowed him in other cases, to be paid from such tax.

§ 9. Such treasurer shall, on the expiration of his term of office, surrender and deliver up to his successor all the books, papers, moneys or effects, of whatever nature, that may have come into his possession by virtue of this act; and for any willful misappropriation or conversion to his own use of any moneys that may come into his hands under the provisions of this act, he shall be deemed guilty of and punishable for embezzlement.

Delivery to  
successor.

§ 10. The taxes to be collected from said railroad company, for county and township purposes, by the several counties and townships through which said railroad runs, shall be paid to and set apart by the county treasurer as a sinking fund, to redeem the principal of the bonds issued by any township or townships in such county.

Sinking of  
fund.

§ 11. At all elections for officers or other questions voted upon by the stockholders of said company the supervisors of the town or towns that may subscribe to the stock of said company shall represent and cast the vote to which said stock shall be entitled.

Supervisor to  
cast the vote  
of township  
stock.

§ 12. No neglect, omission, irregularity, informality or want of technicality, on the part of any persons authorized to carry out the provisions of this act, shall inure to the loss, defeat or disadvantage of said railroad company, or other holders of the bonds of said township, nor to the defeat or delay on the subscription to the capital stock of said railroad company, nor on the assessment, levying and collecting of the taxes for the payment of said bonds, nor for any other matter or thing done under or by virtue of this act, provided the provisions of the same shall have been substantially complied with.

Informality.

§ 13. This act shall take effect and be in force from and after its passage, and any part or parts of the act to which this is an amendment, inconsistent with the provisions hereof, are hereby repealed.

APPROVED February 21, 1859.

1. Approved Feb'y AN ACT to promote the construction of Horse Railways in the city of Chicago.  
14. 1855.

Corporations.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, and their successors, be and they are hereby created and constituted a body corporate and politic, by the name of "The Chicago City Railway Company," for the term of twenty-five years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

Powers.

§ 2. The said corporation is hereby authorized and empowered to construct, maintain and operate a single or double track railway, with all necessary and convenient tracks for turn-outs, side tracks and appendages, in the city of Chicago, and in, on, over and along such street or streets, highway or highways, bridge or bridges, river or rivers, within the present or future limits of the South or West Divisions of the city of Chicago, as the common council of said city have authorized said corporators or any of them or shall authorize said corporation so to do, in such manner and upon such terms and condition, and with such rights and privileges as the said common council has or may by [have] contracted with said parties or any or either of them prescribe, but said corporation shall not be liable for the loss of any baggage carried on said railways kept in and under the care of its owner, his servant or agent.

Capital stock.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, and may be increased from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Directors.

§ 4. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board shall appoint. The first board of directors shall consist of said Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, and thereafter, of not less than three nor more than seven stockholders, who shall be chosen each and every year by the stockholders, at such time and in such manner as the said corporation shall by its laws prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations for the government of said corporation, and the management of its affairs and business as they may think proper; not inconsistent with the laws of this state.

Extensions.

§ 5. The said corporation is hereby authorized to extend the said several railways herein authorized to be built, in the manner aforesaid, to any point or points within the



county of Cook, in this state; and to enable said corporation to construct any or all the railways therein authorized, or their appendages, the said corporation is hereby vested with power to take and apply private property for the purposes and in the manner prescribed by an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852, and the several acts amendatory thereof, and may exercise all the powers conferred upon railroad corporations by the twenty-fifth and twenty-sixth sections of "An act to provide for a general system of railroad incorporations," approved November 5th, 1849, ascertaining and making recompense for all damages sustained agreeably to the provisions of the act hereinbefore first mentioned.

§ 6. The said corporation is hereby authorized, with the assent of the supervisor of any township, to lay down and maintain the said railway or railways in, upon, over and along any common highway in said township, but in such manner as not to obstruct the common travel of the public over the same. In all cases where vehicles shall meet the cars or carriages of said railway, either in the city or country, said vehicles shall give way to the cars or carriages on the railway. Highway.

§ 7. All of the rights and privileges granted or intended so to be to said Franklin Parmalee, Liberty Bigelow, Henry Fuller, and their associates, in and by the ordinances of the common council, and the amendments thereto, are hereby in all things affirmed and shall pass to and become vested in the corporation hereby created. Ordinances legalized.

§ 8. Nothing herein contained shall authorize the construction of more than a single track with the necessary turn outs, which shall only be at street crossings upon State street between Madison and Twelfth streets, except by the consent of the owners of two-thirds of the property, in lineal measurement, lying upon said State street, between Madison and Twelfth streets, aforesaid, nor shall anything herein contained be construed to authorize the company hereby incorporated, to permit the cars of any other railroad company whatever, propelled by steam, to be run along or upon the railway of the company hereby incorporated. Single track

§ 9. The said company hereby incorporated, shall, within two years from the passage of this act, erect, maintain and operate two railways, one from Lake street to the southern boundary of the city, and one from the South Branch of the Chicago river, on Madison street, to the western boundary of said city, and upon failure to do so this act and all the privileges and franchises hereby conferred shall cease and determine. Time.

§ 10. All the grants, powers, privileges, immunities and franchises conferred upon, and all duties and obligations required of Franklin Parmalee, Liberty Bigelow, Henry Fuller Other corporations.

and David A. Gage, by this act for the South and West Divisions of the city of Chicago, and the county of Cook, are hereby conferred upon and required of William B. Ogden, John B. Turner, Charles V. Dyer, James H. Rees and Valentine C. Turner, by the name of "The North Chicago City Railway Company" for the North Division of said city, and said county of Cook, as fully and effectually to all intents and purposes as if they had been by a separate act incorporated, with all of said grants, powers, privileges, immunities and franchises, conferred upon them, and all of said duties and obligations imposed upon them; and the said last named corporation, may take, hold, mortgage and convey real estate.

§ 11. This act shall be deemed a public act and noticed by all courts as such without pleading, and shall take effect from its passage.

APPROVED February 14, 1859.

In force Feb'y  
24, 1859.

AN ACT to provide for the right of way for purposes therein set forth.

Corporator.

Power to con-  
struct horse  
railroad.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Clark, of the county of La Salle, in the state of Illinois, his heirs and assigns, are hereby authorized and empowered to construct a horse railroad (and to use the same for such purposes as they may desire, not incompatible with the public interest,) from a point at or near the mutual corner of sections number sixteen, seventeen, eight and nine, in township number thirty-three, north range number two east, of the third principal meridian, where a county road is now laid out, running thence north on or near the section line between said sections eight (8) and nine (9), on the same line now occupied by the county road, to the north side of the Illinois and Michigan canal.

§ 2. Said horse railroad shall be so constructed, that it will not materially obstruct the travel on said county road.

County road.

§ 3. The said James Clark, his heirs or assigns, are hereby authorized and empowered to construct said horse railroad and to keep the same in repair upon the line now occupied by the said county road, subject to the provisions and requirements of section second of this act:

§ 4. The said James Clark, his heirs or assigns, are hereby authorized and empowered to enter upon all lands necessary for the construction of said horse railroad, paying the owners of the same damages for the right of way across said land; and in the event of a disagreement between the said James Clark, his heirs or assigns, and any other person or

persons owning said lands or having any interest in the same, as to the amount of such damages, the same shall be ascertained in the same manner provided in chapter ninety-two of the Revised Statutes of eighteen hundred and forty-five, concerning the right of way.

§ 5. This act to be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT in addition to an act entitled "An act to incorporate a board of Sewerage Commissioners for the city of Chicago," approved February 14th, 1855. In force Feb'y 14, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of Sewerage Commissioners for the city of Chicago shall have power to borrow (in addition to the sum heretofore authorized) a further sum, not exceeding five hundred thousand dollars, upon the credit of the city of Chicago, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds. Borrow money.

§ 2. The said bonds shall, in all respects, be issued and registered and the principal and interest provided for and paid in the same manner and subject to the same regulations as provided in the original act to which this is an addition, and all the provisions of the said original act establishing a sinking fund or securing, in any manner, the payment of the principal and interest of the bonds authorized to be issued by the said act to which this is an addition, shall apply to the bonds authorized to be issued by this act in the same manner and to the same extent, to all intents and purposes, as if the said bonds hereby authorized had been issued under and by authority of the said original act. Bonds.

§ 3. The said board of Sewerage Commissioners shall hold, retain, apply and appropriate the said bonds and the proceeds thereof for the same objects and purposes, and subject in all respects to the same terms, conditions, restrictions, penalties and liabilities as are contained in the act to which this is an addition; and the said act shall apply in the like manner to all intents and purposes to the said bonds hereby authorized to be issued, and the proceeds thereof and to the rights, duties and liabilities of said Sewerage Commissioners, respecting the same, as if the said bonds hereby authorized to be issued had been issued under and by virtue of the act to which this is an addition. Proceeds.

§ 4. The said bonds shall not be sold at a rate less than that which is provided by the said act to which this is an amendment, unless the common council of said city shall, Discount.



by a vote of a majority of all the aldermen elected, authorize the said board of Sewerage Commissioners to sell the same at a lower rate, and then only at such a rate as shall be fixed by said city council: *Provided, however*, that reasonable commissions to brokers or agents employed in procuring the sale or negotiation of said bonds may be paid by said board.

APPROVED February 14, 1859.

In force Feb'y 17, 1859. AN ACT to change the name of the town of Appleton, to vacate a part thereof, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the lots, blocks, streets and alleys in the town of Appleton, in the county of Perry, and state of Illinois, to wit: blocks numbers one, four and five, and lots numbers one, three and four, block seven, in Smith and Barber's addition to said town of Appleton, be vacated; and, that so much thereof as is included in said blocks, alleys and streets, be forever separated from said town.

§ 2. That the said town of Appleton be changed to that of Smith's addition to the town of Tamaroa, and that Smith and Barber's addition to the town of Appleton shall hereafter be designated and known as Smith and Barber's addition to the town of Tamaroa: *Provided, however*, that the change of name shall, in no case, affect contracts or conveyances heretofore made.

§ 3. That the inhabitants of the town of Tamaroa and additions, in the county of Perry and state of Illinois, are hereby declared a body corporate and politic, with all the rights, privileges and powers conferred upon the town of Havana, in the county of Mason and state of Illinois, approved February 12th, 1853, and all the provisions of the act aforesaid are hereby declared applicable to the said town of Tamaroa: *Provided*, that the trustees of the said town of Tamaroa shall not levy more than one-half of one per cent. tax per annum upon the real estate within the limits of said incorporation.

§ 4. That Thomas Saunders, Z. P. Curlee, F. B. Garner, David Louks and M. S. Spencer, are hereby appointed trustees of said town under this act, and shall hold their office until the first Monday of the month of April, 1859, and until their successors are elected and qualified; which election shall be holden on the first Monday of the month of April, in each year thereafter.

§ 5. This act shall be in force from and after its passage.

APPROVED February 17, 1859.

AN ACT to change the name of the town of York, Carroll county, to Argo. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the township now known by the name of York, in Carroll county, be and is hereby changed to Argo, and that it shall hereafter be known by that name. Name changed.

§ 2. This act is declared to be a public act and shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to incorporate the town of Augusta.

In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Augusta, in the county of Hancock, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Augusta;" and by that name and style shall have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Body corporate

§ 2. The boundaries of said town shall be as follows, to wit: Commencing at the southeast corner of the west half of section twenty-three, and running due north, one mile, to the northeast corner of the said west half of section twenty-three; and thence due west, one mile, to the northwest corner of the east half of section twenty-two; and thence due south, one mile, to the southwest corner of the said east half of section twenty-two; and thence due east, one mile, to the point of beginning—both of which half sections, hereby bounded and embraced, to wit: the west half of section twenty-three and the east half of section twenty-two, lying and being situated in township three north, range five west of the fourth principal meridian, in the county of Hancock, and the state of Illinois. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, Powers.

real and personal, of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other acts and things in relation thereto that natural persons might do.

Trustees.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their offices, under and by virtue of this act, until the first Monday of September, in the year of our Lord one thousand eight hundred and fifty-nine, and until their successors are elected and qualified.

Election.

§ 5. On the first Monday of September, in the year of our Lord one thousand eight hundred and fifty-nine, and ever afterwards, on the first Monday of September, in each and every year, an election shall be held in said town of Augusta, for the election of five trustees of said town. The persons so elected shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided within said town six months next preceding their election; and shall hold their offices for the term of one year and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

Notice.

§ 6. The incumbent board of trustees shall give ten days' previous notice of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices, in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notices shall specify the time and place of holding such election; the hour of the day at which the polls shall be opened; and the hour at which they shall be closed. The voters who may be present at the time and place specified for holding any such election shall, at the hour specified for opening the polls, appoint, by acclamation, three of their number to act as judges of such election; and the said judges shall appoint two clerks of such election. Said judges and clerks, before entering upon the duties of their offices, shall qualify, in the same manner as is required of judges and clerks of elections for state and county purposes. All such elections shall be by ballot; and all persons who, by the laws of this state, are entitled to vote for state and county officers, and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat; and all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town, in such manner as may be provided by ordinance.



*Powers and Duties of the Board of Trustees.*

§ 7. The trustees elect, before entering upon the duties of their offices, shall take and subscribe an oath to support the constitution of the United States and of this state, and that they will, to the best of their abilities, faithfully discharge the duties of their office. They shall hold at least one regular meeting every three months; and shall, at their first meeting after their election, appoint one of their number president. A majority of said trustees shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be by ordinance provided. Said board may make such rules and regulations as to them may seem proper; they shall have power to fill vacancies by appointment, in the board of trustees occasioned by death, removal, resignation or continual absence from their regular meetings for the term of three months; or otherwise. They may punish their members for disorderly conduct, and by a vote of three-fifths of all their members they may expel a member from the board, and they shall also have power to remove from office, (by a vote of three-fifths of all their members,) any subordinate officer of said town who holds his office by appointment of board of trustees of said town. Powers of the trustees.

§ 8. They shall have power and it shall be their duty to appoint a clerk, town constable, treasurer, assessor, collector, and one or more street commissioners, and such other officers, (if any,) as may be necessary for carrying into effect the provisions of this act and the ordinances of said town, and to require them before entering upon the duties of their respective offices to give such bonds and security as may be necessary to insure the faithful performance of their duties; they shall also require all persons appointed to office by them, before entering upon the discharge of the duties of their respective offices, to take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will faithfully and to the best of their ability, discharge the duties of their offices. Officers.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, (annually,) on the hundred dollars, of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances, not repugnant to the constitution of this state or the United States: *Provided*, that lands occupied for farming purposes, in tracts of ten acres or more, and not laid off in town lots or blocks shall be exempt from taxation for town purposes, except for school and road purposes. They shall also have power to appropriate money Taxes.

and to provide for the payment of the debts and expenses of the incorporation.

Health.

§ 10. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town, to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof, by fines, penalties or imprisonment in the county jail of Hancock county, or by both such fines and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

The streets and  
alleys.

§ 11. They shall have power and it shall be their duty to cause all streets, alleys and public roads within said town to be kept in good repair, and for that purpose they may require every male resident of said town, over the age of twenty-one years, and not exceeding fifty years to labor thereon, not exceeding three days in each and every year, or to pay at the time of being notified to work the sum of seventy-five cents for every day's labor required of him; and if the labor and money performed and received be not sufficient for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefore, and the inhabitants of said town shall be exempt from working on any road outside of the same.

§ 12. They shall have power to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, lane, alley, public grounds and public roads, within the limits of said town; and to establish, erect, construct, build and keep in repair bridges, culverts, sewers, side-walks, pavements and cross-ways, and to regulate the construction and use of the same, and punish the abuse thereof; and to levy and collect, from time to time, a tax on the lot or lots in front of which such side-walk or side-walks, pavement or pavements shall be ordered and proposed to be made or repaired: *Provided*, that every such tax shall be levied on such lots proportionate to the length of their respective fronts: *And provided, further*, that such tax shall not exceed one-half of the actual cost of such making or repairing; and the other half of the cost thereof shall be paid out of the general fund of the corporation: *Provided*, that the tax provided for in this section shall not be taken or held to be any part of the tax provided for in section nine of this act.

Water.

§ 13. They shall have power to provide the town with water; to sink and keep in repair public wells; and to erect and keep in repair such public buildings as the necessities of the town may require; and provide for the inspection and weighing of hay, stone coal and building stone, and the measurement of wood, fuel and building stone, to be used in said town.

Auctioneers,  
&c.

§ 14. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses,

hawkers and peddlers; and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gunpowder and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices, and to suppress and prohibit gambling houses, bawdy houses, houses of ill fame, and all other disorderly houses within said town and one mile from the limits of said town.

§ 15. They shall have power to tax, license and regulate **Shows.** or suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements of every kind, unless gotten up in said town by citizens of the said town. They shall also have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, routs, riots, disturbing the peace of the inhabitants or of any public meeting, whether religious or otherwise, of said town, or disorderly assemblages of any kind, within the limits of said town; to prohibit, and impose penalties on the authors thereof, any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language; or the exposure to public view of any indecent or obscene picture or publication, within said town.

§ 16. They shall have power to prevent the running at large of dogs, and to provide for the destruction of the same, when found at large, contrary to the provisions of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets or other fire-works or combustibles, within said town.

§ 17. They shall have power to prevent the incumbering **Animals.** of any street, lane, avenue, road, alley or public ground of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals, attached to vehicles or saddled or bridled for use, while standing in any street, lane, road, alley or uninclosed lot, within said town; to prevent horses, cattle, sheep, hogs or other animals within said town; and to provide for distraining and impounding any such animal or animals, and the sale thereof to satisfy costs and charges, any penalty or penalties incurred under any ordinance of said town; to prevent racing within said town with horses or other animals; to prevent any immoderate riding or driving of horses or other animals within said town; and also to prohibit and punish the abuse of any and all animals within said town.

§ 18. The said president and trustees of the town of Augusta shall have and exercise complete and exclusive **Encumbering streets.** control as hereinafter provided over the selling, bartering, exchanging, giving away, or in any manner trafficking in any wine, rum, gin, brandy, whisky or other intoxicating liquor within the limits of said town; and may, by ordinance, declare any such selling, bartering, exchanging, giving away



or trafficking in any manner, in any such wine, gin, rum, brandy, whisky or other intoxicating liquor, within the corporate limits of said town, and the place and places where the same is carried on, or either of them, a nuisance; and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof as they have and may exercise by virtue of section ten of this act in the case of other nuisances: *Provided*, that they shall allow *bona fide* druggists to sell the same in good faith, for purely medicinal, mechanical or sacramental purposes: *Provided*, that they shall not impose any fine by authority of this section of more than fifty dollars for any one offence, or any penalty of imprisonment in the county jail of more than thirty days for any one offence.

Vagrants.

§ 19. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes; and to provide for the arrest and punishment of any person or persons found intoxicated in any street, alley or other public place in said town.

Tanneries, &c.

§ 20. They shall have power to direct the location and regulate the construction and management of tanneries, blacksmith shops, founderies, livery stables and packing houses, to direct the location and regulate the construction and management of; or to restrain, abate and prohibit within said town, and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal and such other substances as may be rendered or tried; and other establishments or places where nauseous, offensive or unwholesome business may be carried on.

Fires.

§ 21. They shall have power to make such regulations for the prevention and extinguishment of fires, as they may deem expedient, and for that purpose they shall have power to procure fire engines and such other apparatus as are usually employed for the extinguishment of fires, and shall have the charge and control of the same. They shall also have power to organize fire, hook, hose, ax and ladder companies, and to make rules and regulations for the government of the same.

Boundaries.

§ 22. They shall have power to enlarge the boundaries of town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority of such persons voting at said election to make such enlargement.

§ 23. They shall have power to make all ordinances Ordinances. which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act or which may be necessary for the better regulation of the internal police of the said town, not inconsistent with the constitution of this state or with the United States, and to cause the same to be executed; they shall also have power to impose fines and penalties for the breach of any law or ordinance of said town or of any provision of this act, and to provide for the recovery and enforcement of any such fines and penalties: *Provided*, that in no case shall any fine for any one offence exceed the sum of one hundred dollars, nor shall they impose a penalty of imprisonment in the county jail for any one offence of more than six months.

*Powers and Duties of the President.*

§ 24. The president shall preside at all meetings of the President. board when present; and in case of his absence from any meeting, the members of the board present shall appoint one of their number chairman, who shall preside at that meeting. The president or any two members of the board may call special meetings of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town. He shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town over the age of twenty-one years, to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than five dollars nor more than twenty-five dollars. He shall have power, whenever he may deem it necessary, to require of any officer of said town a written exhibit of his books and papers; and shall have power, and it shall be his duty to do all other acts and things that may be required of him by the laws and ordinances of said town.

*Magistrates and Constables.*

§ 25. The present police magistrate of said town of Police magistrates. Augusta, holding his office under and by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February twenty-seventh, eighteen hundred and fifty-four, (Feb'y 27th, 1854,) shall be deemed to hold his office under and by virtue of this act, until the expiration of his term of office. At the first election under this act for trustees of said town, after the expiration of the term of office of the present police magistrate of said town, and every four years thereafter,

there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Hancock; he shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace; he shall hold his office for the term of four years and until his successor shall be elected and qualified; he shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Hancock might have and exercise in similar cases.

§ 26. Said police magistrate shall be a conservator of the peace for said town of Augusta, and shall have exclusive, original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws or ordinances of said town, or this act, and shall, in such cases possess, and may exercise all the rights, power and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27th, 1854. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within twenty days from the occurring of any such vacancy, call an election to fill the same, and the person so elected shall hold his office until his successor shall be elected and qualified.

Fees.

§ 27. He shall, in all cases, be entitled to the same fees and emoluments that are by laws of this state allowed to other justices of the peace for similar services. In case of the absence of said police magistrate or of his inability, any other justice of the peace of said county of Hancock, having an office in said town, shall have the same jurisdiction, power and authority under the laws and ordinances of said town as the said police magistrate possesses in like cases. The rule of practice, and proceeding in all cases arising out of the laws or ordinances of said town, shall conform to the practice and proceeding before other justices of the peace, except cases where such rules of practice and proceeding shall be changed or modified by the laws, ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rule prescribed by such laws, ordinances or charter.

Change of  
name.

§ 28. In all cases arising under any ordinance of said town or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of the said county of Hancock, in the same manner as is provided in other cases, before justices of the peace: *Provided*, that, in all cases arising out of any ordinance of said town, or under this act, if either party wishes to appeal, he or they shall give notice, in writing thereof to the justice of the peace before whom the case was tried on the day of the trial



thereof, and shall file the necessary appeal bond with such justice of the peace within five days from the day of trial.

§ 29. The town constable of said town shall qualify in such manner as the board of trustees may, by ordinance, prescribe; and shall have power and authority to execute all warrants and other process issued by the police magistrate of said town, or any other justice of the peace of said county of Hancock. He shall have and may exercise in all cases the same powers and authority that are given to other constables of said county by the laws of the state of Illinois, and shall be entitled to like fees for his services, and shall in all cases of nonfeasance and misfeasance of duty be subject to the same penalties and liabilities that are provided by the laws of the state of Illinois for other constables in like cases. Town constable.

§ 30. In all cases arising under the laws or ordinances of said town any constable of the county of Hancock shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the constable of said town shall see any person or persons engaged in any assault, assault and battery, riot rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind, within said town, it shall be his duty to make immediate arrest of such person or persons on view, without warrant; and in all such cases any constable of the county of Hancock shall have the same power of arresting, without warrant, as the said town constable in such cases would possess; and in all such cases of arrest without warrant the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town; and shall inform such police magistrate or justice of the peace of the nature of the offence for which such person or persons were arrested, and the said police magistrate or justice of the [peace] shall thereupon institute a suit against such person or persons, and proceed therein, in all respects, the same as if such person or persons had been arrested and brought before him under warrant duly issued; the said town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town. Powers.

### *Miscellaneous Provisions.*

§ 31. Until the board of trustees of said town of Augusta shall provide, by ordinance, for enforcing the collection of taxes due said town the same shall be collected in the same manner provided in the 9th section of an act en- Taxes.

titled "An act to incorporate towns and cities," approved February 10th, 1849, for the collection of other corporation taxes.

Prosecutions.

§ 32. All prosecutions under the laws and ordinances of said town of Augusta, for assaults, assault and batteries, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and cases in which the penalty attached by the law of our ordinances of said town is imprisonment in the county jail of said county of Hancock shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts, and in all such cases the rules of practice and proceeding shall be the same as are prescribed in such cases for justices' courts by the laws of this state; except when the laws and ordinances of said town prescribe new rules, or different rules of practice or proceeding, in which case the rule of practice or proceeding shall conform to the rule prescribed by the laws or ordinances of said town.

Form of action.

§ 33. In all other cases for violating the laws or ordinances of said town the penalties or penalty therefor shall be recovered by an action of debt, in the name of "The President and Trustees of the Town of Augusta;" and in all such actions of debt the first process shall be by summons, to be issued, served and returned as other summons and actions of debt issued by justices of the peace of said county of Hancock, unless some competent person shall, before the commencement of any such action of debt, file with the justice of the [peace] before whom such suit is about to be commenced an affidavit, accusing the person or persons about to be sued with some one or more violations, of the same nature, of the laws or ordinances of said town, specifying such offence or offences, and stating that he or she verily believes that unless the person or persons so accused shall be forthwith arrested and brought to trial there is danger that the penalty or penalties in such case shall be lost, and specifying the facts on which belief is founded, in which case, if the said police magistrate or justice of the peace shall be of the opinion that there is reason to believe that the opinion set forth in such affidavit is correct, he may issue a warrant against the person or persons so accused, causing him, her or them to be forthwith arrested and brought before him; and when the accused shall be brought before him he shall proceed at once to the trial of such suit, which shall be by action of debt for the recovery of the penalty or penalties attached to the offence or the offences specified in the affidavit aforesaid, and if the said defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offences specified in such affidavit be-

fore whom such suit is tried shall enter judgment thereon for the amount of the fine assessed and the cost of suit in other cases.

§ 34. In all actions of debt for offences committed Fines. against the laws or ordinances of said town it shall be lawful for the plaintiff in the same suit to allege, prove and recover for any number of offences of the same nature: *Provided*, that the amount recovered shall in no case exceed the sum of one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town.

§ 35. The president and trustees of said town shall not, Security for costs. in any suit in which they are concerned for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs. The president or trustees or any other officer of said town shall be a competent witness for either party in any suit for a violation of the laws or ordinances of said town.

§ 36. Upon the rendition of any judgment for a breach Execution. of any law or ordinance of said town the police magistrate or other justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and collected out of any property of the defendant or defendants not exempt from execution by the laws of the state of Illinois. But if the constable having such execution shall return thereon that he cannot find sufficient property of the defendant or defendants, not exempt from execution, to satisfy such execution, then the said justice shall issue a capias against the body or bodies of the defendant or defendants, and the constable shall arrest such person or persons and convey him, her or them to the jail of the county of Hancock, there to remain forty-eight hours, and if the said fine and costs exceed the sum of five dollars, then to remain in said jail twenty-four hours for every two dollars over and above the said five dollars: *Provided, however*, that if the president and trustees of said town, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the said county of Hancock, to have the same levied upon real property, and shall signify the same to such justice, he shall not issue a capias, as aforesaid, but shall, without delay, certify a transcript thereof, according to law, to said clerk, which shall be filed and recorded as in other cases, and such judgment shall have, from the date of filing of such transcript, the same force and effect as judgments rendered in said circuit court in civil cases: *Provided*, that if the defendant or defendants shall, in any case arising under the provisions of this act or any law or



ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond within the time required, the justice shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such payment.

Opening streets  
&c.

§ 37. Whenever it shall [become] necessary to take private property for opening or altering any public street or alley, the corporation shall make a just compensation to the owner or owners of such property, and pay or tender the same before opening or altering such street or alley or before taking private property for any public use; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors empaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose shall first be sworn to that effect; they shall then proceed to examine the property in question, and after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking and the proposed use of such property, they shall, within ten days, make out and return their verdict in writing (signed by each of said jurors) to the police magistrate of said town, assessing to such owner or owners such damages as they think just; said police magistrate shall file and docket such verdict and shall forthwith cause the president and trustees, or their clerk or attorney, and owners of property included in such verdict to [be] notified of the contents of the same. The said police magistrate may at any time within ten days of the filing of such verdict, for good cause shown, set aside such verdict and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Hancock. When any such verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate and entered on his docket, unless set aside or appealed from, it shall be a judgment against the president and trustees of said town of Augusta, in favor of such owner included therein for the amount of damages thereby assessed to him; and in case the sum assessed to any owner exceed one hundred dollars, the said police magistrate shall, on application of the person entitled thereto, certify to the clerk of the circuit court of Hancock county a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court in the same manner as other transcripts from justices' dockets, and shall, from the time of such filing, have all the force and effect in favor of

the person or persons entitled to such damages as a judgment obtained in said circuit court.

§ 38. All ordinances and resolutions heretofore passed by the president and trustees of said town of Augusta, which are not inconsistent with this act, shall be and remain in full force and effect until the same shall be repealed by the board of trustees hereby created, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them, prior to the taking effect of this act, shall be vested in and be prosecuted and recovered by the corporation hereby created. Former ordinances.

§ 39. All property belonging to the president and trustees of the town of Augusta, for the use of inhabitants of said town, shall, upon the taking effect of this act, be vested in the corporation hereby created; and this act shall not invalidate any act done by said president and trustees, nor divest them of any rights which may have accrued to them prior to the passage of this act. Property.

§ 40. In all cases arising under the laws and ordinances of said town, either before the police magistrate of said town or any justice of the peace of the county of Hancock, the court shall, for good cause shown, have power to set aside the verdict of the jury and grant a new trial of the case: *Provided*, that the application for setting aside the verdict shall be made when such verdict is returned into court. Verdict.

§ 41. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose, and such book, purporting to be the record book of the corporation of the said town of Augusta, shall be received in all courts, without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws and other things pertaining to and concerning the present corporation of the town of Augusta, shall be sufficiently proven in any court of law and equity in the state of Illinois, by the production in such court of the book or books in which the same is or are recorded, if such book or books purport to be the record book or books of said corporation; and all ordinances and by-laws hereafter passed by the board of trustees of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and be signed thereon by the Record.

president and clerk of the board of trustees with their own proper signatures; and said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation, and shall also note the date of the adoption and of the publication and the time of taking effect thereof.

Assault and  
battery.

§ 42. In all cases of assault, assaults and batteries, affrays, riots, routs, disturbing the peace, disturbing any public meeting, and unlawful assemblages of any kind, committed within said town of Augusta after the passage of this act, and before the board of trustees of said town shall have provided by ordinance for the punishment of any such offence, the criminal laws of the state of Illinois, applicable to such offence, shall be deemed and held to be in full force and effect as to any such offence or offences.

§ 43. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y  
19, 1859.

AN ACT to incorporate the town of Barry.

Body corporate

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Barry, in the county of Pike, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Council of the Town of Barry," and by that name shall have perpetual succession, and may have and use a common seal, have power to sue and be sued, plead and be impleaded in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town, to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, for the use of said town, to protect and improve any such property as the public good may require.

Boundaries.

§ 2. All that district of country enclosed within the following boundaries, to wit: one mile square, the centre thereof being the centre of block number twenty-five (25), in the town corporation plat of the town of Barry, shall be the boundaries of said town.

Council.

§ 3. The government of said town shall be vested in a president and six councilmen; the said councilmen shall be elected, annually, by the qualified voters of said town, and no person shall be councilman unless at the time of his elec-



tion he shall have resided in said town for the space of six months, be twenty-one years of age, be a freeholder within the corporation, and a citizen of the United States, and upon his removal from said town he shall vacate his office.

§ 4. The board of councilmen shall determine the qualifications of its own members, and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and with the concurrence of two-thirds, expel a member. Qualifications.

§ 5. The president and each of the councilmen shall, before entering upon their duties, take an oath to perform the duties of his office to the best of his knowledge and abilities, and there shall be at least one regular meeting of said council in each month, at such times and places as may be prescribed by ordinance. Oath.

§ 6. The boundaries of said town, as herein defined, shall constitute a district for the election of the president and one town constable, who shall be elected by the qualified voters of said town, and at the same time and place at which the councilmen are elected; and the said president shall preside over the board of councilmen, shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a councilman by the third section of this act. The president and constable shall be elected for the term of two years, and if they remove from said town their offices shall be vacated. Election district.

§ 7. If two or more persons shall receive an equal number of votes for the office of president or constable, the board shall proceed to determine the same, by lot, and all contested elections shall be determined as prescribed by ordinance. Tie.

§ 8. On the first Monday in the month of May, A. D. 1859, and on the first Monday of May in each year thereafter, an election shall be held in said town for one president and one town constable, for the term of two years, and six councilmen, as aforesaid, who shall hold their offices for one year and until their successors are elected and qualified, which first election shall commence at 10 o'clock in the forenoon and close at 4 o'clock in the afternoon of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each person elected a certificate of his election, certify the votes for president to the clerk of the county court, and lay the poll-books of such election before the board at its first meeting. All subsequent elections shall be held and conducted and returns made, as may be prescribed by ordinance. Election.

Voters.

§ 9. All free white inhabitants of said town shall be entitled to vote for town officers who are qualified to vote for state officers, and who shall have resided in said town six months next before any such election.

Tax.

§ 10. The president and council shall have power and authority to levy and collect a tax upon all property, real, personal and mixed, in said town which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of the United States, or the said council may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property of said town by the county or town assessor and cause the same to be collected by the township collector.

Assessment.

§ 11. If the president and council of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is, by law, to extend the tax, by existing laws, notice of their intention so to do, which notice shall be a copy of their records, and also the rate of taxation; and upon the receipt of such notice the said tax shall be extended and collected, and its collections enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for service under this act as are allowed them for similar services under the revenue laws of the state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing by ordinance for the assessment and collection of such taxes and all other tax, charge or assessment authorized by this act.

Officers.

§ 12. The said board shall have power to appoint an attorney, clerk, town treasurer, and assessor and collector, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds with such securities and take such oaths as may be judged necessary to insure the faithful performance of their duties, and shall have power to appropriate money and provide for the payment of the debts and expenses of the town; to make regulations to secure the general health of the inhabitants of the town, to declare what shall be deemed a nuisance and to prevent and remove the same; to open, abolish, alter, widen, extend, establish, grade or otherwise improve and keep in repair streets, alleys and lanes in said town, and erect and maintain and keep in repair bridges; to build and maintain within said corporation a jail or place of imprisonment, and to confine therein all such persons as are, by the provisions of this act, liable to imprisonment for offences against the ordinances of said town; to regulate, by ordinance, to

Powers of the board.

license or prohibit the importation, the manufacture or sale within said corporation, and of storing and keeping for sale any, in stores, shops or other buildings or places of doing business within the same, vinous, spirituous, malt or mixed liquors, including ale and beer, in any quantity: *Provided*, that said president and council may grant permits for the sale of spirituous, vinous, malt or mixed liquors, including ale, for medicinal, mechanical or sacramental purposes, under such regulations and rules as they may prescribe by ordinance; to provide for the erection of all needful buildings for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town; to have power to fill any vacancy in the board of councilmen, occasioned by death, resignation, continued absence from town for three months, or otherwise; to fill any vacancy in the office of president, occasioned by death, resignation, removal from office or continued absence from town for three months or otherwise, said office shall be filled by an election to be ordered by the board of councilmen; to regulate and prohibit any indecent exposure of person; to prohibit the abuse of animals; to prevent, suppress and prohibit any riot, affray, disturbance of the peace by loud and unusual noises or any disorderly conduct in public buildings, churches or other buildings and places, disorderly assemblages, assaults, assaults and batteries; to restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys and all other gambling establishments and all lotteries and sale of lottery tickets within the limits of the corporation; to prevent and suppress the trafficking and selling and giving away intoxicating liquors, whether spirituous, malt, fermented or otherwise, within one mile from the boundary of the corporation limits; to license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, butchers, meat shops, peddlers, brokers and money changers, teamsters and all other trades and callings exercised within the limits of the incorporation; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gambling houses, bawdy houses and other disorderly houses; to provide for the prevention, extinguishment of fires, and to organize and establish fire companies; to regulate partition fences, and provide for the inspection and weighing of stone coal and hay, and for the measurement of wood and fuel to be used in said town; to regulate the election of town officers, define their duties and provide for the removal of any person holding office under the ordinances; to provide for the taking of the enumeration of the inhabitants of said



town; to fix the fees and compensation of all town officers, jurors, witnesses and others for services rendered under this act or any ordinance; to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; to prevent the incumbering of the streets, squares, lanes and alleys of said town, to protect shade trees, to compel persons to fasten horses, mules and other animals attached to vehicles while standing upon the square, street, lane, alley or uninclosed lot; to prevent the running at large of horses, cattle, hogs, sheep and animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs and to provide for the destruction of the same when running at large contrary to ordinance; to prevent the firing of squibs, fire-crackers, rockets, guns or other combustibles or firearms within the limits of said town.

Ordinances.

§ 13. The president and board of councilmen shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of the state and of the United States. The style of the ordinances of the town shall be: "Be it ordained by the President and Council of the town of Barry," and all ordinances shall, within one month after they are passed, be published in a newspaper published in said town, or if no newspaper is printed in said town, by posting copies of the same in three public places in said town, and the certificate of the publisher of such newspaper or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

Proof.

§ 14. All ordinances may be proven by the seal of the town, and when printed or published in book or pamphlet form and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Presi

§ 15. The president of the board shall preside at all meetings of the board, when present, and in case of his absence at any meeting, the board may elect a temporary chairman. He shall at all times be vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished. He shall have the power and authority to call on all male inhabitants of said town over the age of eighteen years to aid in enforcing the laws and ordinances, and in case of a riot to call out the

militia to aid in suppressing the same, and in carrying into effect any law or ordinance.

§ 16. At the first regular election for trustees in said town, there shall be elected, one police magistrate, who shall be commissioned by the governor, and hold his office four years and until his successor shall be elected and qualified; said police magistrate shall have and exercise all the powers within said town of a justice of the peace, and shall have jurisdiction over all cases brought for the violation of any ordinance of said town; and all suits for a violation of said ordinances shall be brought before and may be tried by either said police magistrate or any justice of the peace in said town, and appeals and writs of *certiorari* may be prosecuted from judgment in any such cases for a breach of said ordinances, in the same manner as appeals and writs of *certiorari* are now prosecuted from judgments before justices of the peace in other cases.

Police magis-  
trate.

§ 17. All owners or occupants in front of or upon whose premises the said council shall order and direct sidewalks to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalks, at their own cost and charges, in the manner and within the time prescribed by ordinance or otherwise, and if not done in the manner and within the time prescribed, the said town council may cause the same to be constructed, repaired, relaid or cleansed and assess the expenses thereof by an order to be embraced in their proceedings upon such lots, respectively, and collect the same by warrant and sale of the premises, in such manner and within such time as the said town council may by ordinance provide; and a suit may also be maintained by said town, in its corporate name, against the owner or owners of such premises for the recovery of such expenses, as for money paid and laid out to his or their use at his or their request.

Sidewalks.

§ 18. The president and council for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, may require every male inhabitant of said town, over the age of twenty-one years, to labor on such streets, lanes, alleys, avenues and highways three days in each year, and every person failing or refusing to perform such road labor after being notified, as may be provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected and refused.

Street labor.

§ 19. The president and council shall have power to provide for the punishment of the offenders against the ordinances in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Imprisonment.

§ 20. The inhabitants of said town shall be exempt from the performance of road labor and payment of road tax levied by authority of the commissioners of highways, and

Exemption.

the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and council aforesaid.

Writs.

§ 21. All writs for the recovery of penalties for the breach of any ordinance of said town, shall be in the form of an action of debt, before the president of the board, or in case of the absence or inability to act, before some other justice of the peace of said town; and changes of venue and appeals shall be allowed in cases commenced before the said president of the board of councilmen, as in any other cases before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond in the name of said corporation in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bonds.

Town constable

§ 22. The town constable elected under the provisions of this act shall have power and authority to execute all process issued for breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Pike, and shall have the same power, jurisdiction and authority within the limits of said town, as other constables under the laws of this state, and shall give bond and qualify as the said board shall, by ordinance, prescribe.

Suits.

§ 23. All suits for fines and penalties in and for the violation of any ordinance shall be in name of "The Town of Barry," and the said corporation shall have power to regulate, by ordinance, the form and nature of the first and of any subsequent process and the mode of executing the same.

Ordinances.

§ 24. All ordinances and resolutions passed by the present town authorities, shall remain in force until the same shall have been repealed by the corporation hereby created: *Provided*, no contract or agreement shall be affected thereby.

Actions.

§ 25. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town shall be vested in and prosecuted by the corporation hereby created, and all property, real and personal, heretofore belonging to said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Publishing.

§ 26. It shall be the duty of the town trustees of said town, immediately after the passage of this act, to cause the same to be published two weeks, in succession, in a newspaper printed in the town of Pittsfield, in the county of Pike, and thereafter give notice for a public meeting of the legal voters of said town, whose qualifications shall be as prescribed by this act, to be held at the school house, in Barry, on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters, there present, shall deter-



mine the adoption or rejection of the same: *Provided*, that, at any subsequent meeting, like notice being given, aforesaid, the same may be adopted and take effect immediately thereafter.

§ 27. This act shall be deemed and taken to be a public act, and shall be so considered in all courts and places, and may be read in evidence without further proof.

§ 28. A certificate of the clerk of the board of council of said town, under the seal of the corporation, of the publication of any ordinance of the same, shall be deemed and regarded in all courts as evidence of the publication of such ordinance, according to the requirements of this act, without further proof. Certificate.

§ 29. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to amend charter of the Town of Belvidere, approved February 5, 1857. In force January 12, 1859.

Whereas the constable and collector of the town of Belvidere, in Boone county, in the state of Illinois, has left the state, whereby a vacancy in said office has accrued; and whereas a large proportion of the taxes and assessments levied by the trustees of the town for the year 1858 remain uncollected and unpaid, Preamble.

*Be it, therefore, enacted by the People of the State of Illinois, represented in the General Assembly*, That the fourteenth section of an act entitled "An act to incorporate the town of Belvidere," approved February 5th, 1857, shall be so construed and amended as to authorize the trustees of said town to declare the office of constable and collector of said town vacant, and to proceed to fill said vacancy, by warrant, for the unexpired term of the said Charles Smith, the absconding constable and collector. Amendment.

§ 2. That the constable and collector so appointed, upon qualifying and giving bond, as provided in the act to which this act is an amendment, be authorized and empowered to proceed to collect all taxes and assessments heretofore levied by said trustees and remaining uncollected for the year 1858, or which may, during his term of office, come into his hands, by the same process and in the same manner as in said act provided, and to perform all other duties appertaining to said office, and be liable to all penalties prescribed by said act to which this is an amendment. Collector.

§ 3. This act shall be in force from and after its passage.  
APPROVED February 12, 1859.

In force Feb'y 24, 1859. AN ACT in relation to the incorporation of the town of Blandinsville, in McDonough county.

Incorporation. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Blandinsville, in McDonough county, be and the same is hereby declared to be incorporated, in accordance with the incorporation as adopted by the people of said town, on the 22d day of September, A. D. 1857.

Acts legalized. § 2. All the acts of the officers of the said incorporation, done in pursuance of said incorporation, are hereby declared valid.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 23, 1859. AN ACT to incorporate the town of Brighton, in the county of Macoupin.

Body corporate. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Brighton, in Macoupin and Jersey county, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Board of Trustees of the Town of Brighton," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Boundaries. § 2. The boundaries of said town shall include the southwest quarter of section No. eighteen, and the northwest quarter of section nineteen, in township seven, range ten west of the third principal meridian, commencing at the northwest corner of the southwest quarter of section 18, as above mentioned, thence east one-half mile, thence south one mile, thence west one-half mile, thence north one mile to the place of beginning.

Additions. § 3. Whenever any tract of land adjoining the town of Brighton shall be laid off into town lots and duly recorded as required by law, the same shall be annexed to and form a part of the said corporation.

General powers. § 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the corporation limits, for burial grounds and

for other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property, and to do all things in relation thereto as natural persons.

§ 5. That there shall, on the first Monday in May next, be elected five trustees, and on every first Monday of May thereafter, who shall hold their offices for one year, and until their successors are duly elected and qualified, and public notice of the time and place of holding said election shall be given by the president and trustees of said town, by an advertisement published in a newspaper in said town, or posting it up in at least three of the most public places in said town. Elections.

§ 6. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and moreover, who has not paid a state or county tax; and all white male inhabitants, over twenty-one years of age, who have resided in said town six months next preceding an election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancy shall not exceed three months. All vacancies which shall occur Eligibility.

for a longer time the board shall give ten days' notice, by posting at least three advertisements in said town for the election of a trustee to fill such vacancy, to be filled in the same manner as provided for in general elections; and said trustees shall have power to appoint a clerk, a treasurer, an assessor, a street commissioner and a town constable, which Vacancies.

said officers, so appointed, shall [give] bond and security in such amount, and with such conditions as the trustees may require; and the said town constable shall take an oath of office, before some justice of the peace or notary public, that Appointments.

he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines and serve all processes at the suit of the corporation, and shall execute all writs, process and precepts which may be issued against any person for the violation of any of the laws or ordinances of the town, and shall have and possess the same powers and perform the same duties in other respects, within the limits of the corporation, as constables in the several districts of the county possess and perform; said constable to hold his office for one year and until his successor is elected and qualified. Oath.

§ 7. The trustees aforesaid and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the busi- Rules and regulations.



ness and concerns of the corporation as they may deem expedient, and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said town, and for the management, control and disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and which are not contrary to the laws and constitution of this state.

Tax.

§ 8. The said trustees shall have power to levy and collect a tax, not exceeding one-half per cent. on all lots and improvements and personal property lying and being within the incorporate limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, beer houses and stores, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require, and may adopt such modes and means, for the assessment and collection of taxes, as they shall, from time to time, deem expedient; and prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided*, no sale of real estate shall be made until public notice of the time and place of sale shall be given by an advertisement in some newspaper in said town, or at four of the most public places in said town, by putting up written notices containing a list of said delinquent real estate, at least thirty days previous to the day of sale.

Sale for taxes.

§ 9. When any lots or real estate shall have been sold for taxes, as aforesaid, the same shall be subject to redemption in the time and on the terms now provided, or hereafter to be provided, by the revenue laws of this state, for the redemption of real estate sold for state and county taxes; but should the real estate so sold for taxes not be redeemed in the time and manner provided by law, and if the purchaser, or other person for him, shall have paid all taxes with which such real estate or lots shall have been charged, up to the time when the right of redemption shall expire, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers a deed therefor, signed by the president and countersigned by the clerk of the board of trustees.

Streets.

§ 10. The trustees shall have power to regulate, grade, plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax, of not more than five days nor less than ten days, against every able bodied male inhabitant of said town over the age of twenty-one years and under fifty years of age, to be collected and expended in such manner as they shall determine and direct.

§ 11. The trustees shall have power to tax, restrain, prohibit and suppress tippling houses, dram shops and gaming houses, bawdy houses and other disorderly houses, and to suppress and restrain billiard tables.

Tippling  
houses.

§ 12. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town, and to punish open indecency, breaches of the peace, horse-racing, disorderly houses, riotous meetings or assemblages, and to punish persons for making loud or unusual noises, or for disturbing persons assembled at religious or other meetings in said town; for which purpose the said trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary or expedient to carry the provisions of this act into effect, and impose fines for the violation thereof, which fines shall be recovered before any justice of the peace in said town; and the said trustees shall have power to declare what shall be considered a nuisance, within the limits of the corporation, and to provide for the abatement or removal thereof.

Good order

Nuisances.

§ 13. There shall be elected upon the first Monday of May next, an additional justice of the peace in and for said town, to hold his office until the next general election of justices of the peace in the state, when his successor shall be elected, and thereafter every four years, in the same manner as now provided for the election of justices, who shall give bond and have jurisdiction in law as by law made and provided for other justices of the peace: *Provided*, that such justice shall be a resident of said town, and shall hold his office in some convenient place therein.

Additional justice.

§ 14. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view or upon complaint being made to him upon oath, of a violation of any law or ordinance of said town to issue his warrant, directed to the town constable, or to any authorized person, to apprehend the offender or offenders and bring him or them before him forthwith, and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the incorporation, to impose such fine and imprisonment as is provided by the laws of this state for the punishment of similar offences.

Duty of justices of the peace.

§ 15. In all cases arising under the provisions of this act, appeals may be taken, and writs of *certiorari* allowed, as is now or may hereafter be provided by law.

Appeals.

§ 16. All fines or moneys collected for licenses granted under the provisions of this act shall be paid into the town treasury, for the use of the inhabitants of the town.

Fines.

§ 17. The trustees shall keep a well bound book, in which shall be recorded in a fair and legible hand, all by-laws and ordinances of the said corporation, and no by-law or ordinance shall be in force until the same shall have been advertised, by posting up copies of the same in at least three

Journal

of the most public places in said town, ten days previous to the time the same is to go into effect, or by publication in some newspaper in said town; which record or book shall be evidence of the authority of said by-laws or ordinances, that they have been legally enacted.

Side-walks.

§ 18. The said trustees shall have power to make side-walks in said town as to them may seem needful: *Provided, always*, that the lot in front of which any sidewalk is made, shall be taxed to pay at least one-half of the expenses in making said side-walk.

Fees.

§ 19. The justices of the peace and constables who are required to render services under this act shall be entitled to the same fees, and collect them in the same manner as is or may hereafter be provided by law.

Meetings.

§ 20. That the president or any two of the trustees shall have power to call a meeting of the board, by giving one day's notice thereof, but a majority shall have power to adjourn from time to time; to compel the attendance of absent members, and in the event that the notice of an election is not given, as required by this act, or from any other cause, that an annual election shall not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said town, at any time thereafter, to give notice, as aforesaid, of the time and place of holding a special election; and the trustees elected at such special election shall have all the powers conferred by this act.

Adoption of  
charter.

§ 21. The question of accepting or rejecting this charter shall be submitted to the qualified [voters] of said town, at an election to be held at the usual place of holding elections in said town, on the first Monday in April next; said election shall be conducted and the returns made, in all respects, as in general elections for members of the general assembly. If at said election a majority of said electors shall vote "For the Town Charter," this act and all the provisions thereof shall from thenceforth be in full force and effect; but if in said election a majority of said electors shall vote "Against the Town Charter," then this act shall be void and of no effect.

§ 22. This act to take effect from and after its passage:  
APPROVED, February 23, 1859.



AN ACT to amend an act entitled "An act to incorporate the town of Carlinville," approved February 9, 1853, and the amendments thereto. In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers conferred upon the president and trustees of the town of Carlinville, by the above mentioned act, and the amendments thereto, they shall have the power to license the sale of intoxicating drinks, under such restrictions and upon such terms as may be prescribed by ordinance. License.

§ 2. That so much of the above act and amendments thereto as may conflict with the provisions of this act be and the same is hereby repealed. Repeal.

§ 3. This act to take effect and be in force sixty days after passage.

APPROVED February 19, 1859.

AN ACT to repeal an act and for other purposes therein named.

In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and so much of an act entitled "An act to incorporate the town of Carmi, in White county," approved February 9th, A. D. 1857, be and the same is hereby repealed. Repeal.

§ 2. That all moneys belonging to and remaining in the treasury of said corporation of Carmi shall, by said treasurer or other officer in possession of the same, be paid over on or before the first day of March next, to William A. St. John, of White county, for the use and benefit of the inhabitants of the said town of Carmi; which said sum or sums of money, when so paid to the said St. John, shall be by him laid out and expended in the improvement of the streets and alleys of the said town of Carmi, in such way and upon such portions as deemed best by the said St. John. Moneys.

§ 3. This act to be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend the charter of Collinsville, in Madison county.

In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Collinsville, in the county of Madison, and state of Illinois, be and are hereby constituted a Body corporate

body corporate and politic, by the name and style of the "Town of Collinsville;" and by that name shall have perpetual succession, and may have and use a common seal, which they may alter and change at pleasure.

Boundaries.

§ 2. The boundary of the said town of Collinsville shall be as follows: Taking the northwest corner of block numbered five (5.) in Collinsville, for a centre, and running thence half a mile north, to a point in the boundary line; from that point in the boundary line shall run east half a mile; thence south one mile; thence west one mile; thence north one mile; thence east one half mile, to the point first made on the boundary line north of the centre—the aforesaid boundaries including one mile square; and whenever any tract of land adjoining said town is laid off into town lots and recorded, such tract shall be attached to and form a part of said town.

General powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity; to purchase, receive and hold property, real and personal, beyond the town limits, for burial grounds and for other public purposes, for the use of the inhabitants of said town; to sell, lease, convey or dispose of property, real and personal, for the benefit of the town, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ees.

§ 4. There shall be a board of trustees, consisting of a president and four trustees, to be chosen by the qualified voters, who shall hold their offices for the term of one year.

cations.

§ 5. No person shall be a member of the board unless he shall have resided six months prior to the election within the town limits, and shall be, at the time, a *bona fide* freeholder in said town, and twenty-one years of age, and a citizen of the United States; and if, after his election, he shall cease to be a freeholder, his office shall thereby be vacated.

§ 6. A majority of said board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

th.

§ 7. The president and each member of the board, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state and that they will well and truly perform the duties of their office, to the best of their skill and abilities.

Meetings.

§ 8. There shall be twelve stated meetings of the board in each year, at such times and places as may be prescribed by ordinance, and may hold adjourned meetings to attend to unfinished business.

§ 9. On the first Monday in April next and on the first Monday in April, annually, thereafter, an election shall be held for an election of a president and board of trustees; and if there should be a tie in any election, by two persons receiving the same number of votes, thereby causing no election to be had, the persons thus voted for shall decide the same, by casting lots, in such manner as may be provided for by ordinance. Election.

§ 10. All free white male inhabitants, citizens of the United States, of the age of twenty-one years, who are entitled to vote for state officers, and who have been actual residents of said town for ten days previous to the election then being held, shall be entitled to vote for town officers. Voters.

§ 11. The board of trustees shall have power and authority to levy and collect taxes upon all property, real and personal, within the town limits, not exceeding one half per cent., per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance, not repugnant to the constitution of the United States and of this state. Taxes.

§ 12. The board of trustees shall have power to appoint a town constable, treasurer and such other officers as are necessary to carry into effect the provisions of this act, and to require of all officers thus appointed, bonds, with penalty and security, for the faithful performance of their respective duties, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of their duties, before entering upon the discharge of the same. Officers.

§ 13. To make regulations to prevent the introduction of contagious diseases into the town. Diseases.

To make quarantine laws and regulations and enforce the same.

To provide for the expenses of the town.

To make regulations to secure the general health of the inhabitants; to declare what shall be considered a nuisance, and to prevent and remove the same.

To dig wells and erect pumps in the streets, for the extinguishment of fires and convenience of the inhabitants. Water.

To open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes, alleys and side-walks. Streets and alleys.

To provide all needful buildings for the use of the town.

§ 14. To license, tax, regulate, auctioneers, peddlers, brokers, pawnbrokers, taverns and money changers. License.

§ 15. The board shall have power to provide, by ordinance, to license, tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

To license and regulate theatrical and other exhibitions, shows and amusements.



- Fires.** To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- To regulate the fixing of chimneys and the flues thereof and stove pipes.
- To regulate the storage of gunpowder and other combustible materials.
- Census.** To provide for the enumeration of the inhabitants of the town.
- Officers.** To regulate the election of town officers, and provide for removing from office any person holding an office created by ordinance.
- To fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.
- Police.** § 16. The board of trustees shall have power, by ordinance, to regulate the internal police of the town.
- Fines.** To declare what shall be considered misdemeanors, and to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.
- They shall have exclusive power, within the town, by ordinance, to license, regulate, suppress and restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.
- Ordinances.** § 17. The board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act; and shall have power to build or provide, if necessary, a town jail, for the imprisonment of offenders, and may provide, by ordinance, that any person or persons who have been convicted under any ordinance in said town and who fails, neglects or refuses to pay the fine so assessed against him or them, may be either confined in said town jail or made to perform labor on the streets or alleys.
- Riots.** § 18. The president and board of trustees shall have power to suppress all riots, routs, affrays, assaults, assaults and batteries, drunkenness, quarreling, open and notorious lewdness and all other public indecency; and any prosecution or conviction, for any offence, under the laws of this state, shall not bar prosecutions for fines and penalties or forfeitures for the breach of any ordinance.
- Aid.** § 19. The president of the board of trustees is hereby call made a conservator of the peace, and he is empowered to on any male citizen of said town, over the age of eighteen years, to aid him in enforcing the laws and ordinances; and, in case of a riot, to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the said town a fine not exceeding twenty dollars.

§ 20. On the first Monday in April next there shall be elected, in addition to the officers whose election is provided for by this act, one police magistrate, to be elected and qualified as provided by an act entitled "An act for the better government of towns and cities and to amend the charters thereof," approved February 27th, A. D. 1854; and all the provisions of said act are hereby declared applicable to this act.

Police magis-  
trate.

§ 21. The board of trustees shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, by ordinance, to require all male inhabitants in said town, over the age of twenty-one years and under sixty, to either labor on said streets, lanes, avenues or alleys, not exceeding three days in each and every year, or pay one dollar per day in lieu of said labor, as the board may, by ordinance, require; and the inhabitants of said town or Collinsville are hereby exempted from working on any road beyond the town limits and from paying any tax to procure laborers on the same.

Street labor.

§ 22. The board of trustees shall, in all cases where they grant license to any person or persons for the sale of intoxicating liquor of any kind, take a bond, with penalty and good and sufficient security, from the individual or individuals thus obtaining said license, conditioned that the house or place where such liquors are sold shall be kept orderly and free from disturbing any person or persons, by allowing fighting, quarrelling or loud and boisterous talking about the aforesaid premises; and in case of a violation of the said conditions, the person or persons so offending shall be prosecuted upon the said bond, and, upon conviction, shall forfeit his, her or their said license, and said judgment shall be rendered for the full amount of said bond and costs of prosecution in favor of the town.

Liquors.

§ 23. The style of all ordinances of the town shall be, "*Be it ordained by the president and board of trustees of the town of Collinsville.*"

Style.

§ 24. All ordinances passed by the board of trustees shall, within ten days after they are passed, be published, by copies, with the town seal attached thereto, being posted up in three of the most public places in said town, and may become a law immediately after such notice, and not before.

Publication.

§ 25. All ordinances of the town may be proven by the seal of the corporation, and, when published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Proof.

§ 26. The president shall preside at all meetings of the board, and shall have the casting vote, and no other. In case of the non-attendance of the president, the board shall appoint one of their number chairman, who shall preside at that meeting.

President.

Appeals.

§ 27. Appeals shall be allowed from the decision, in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Madison county; and every such appeal shall be taken and granted in the same manner and like effect as appeals are taken from and granted by justices of the peace to the circuit court, under the laws of this state.

Fines.

§ 28. All fines and forfeitures collected for penalties incurred within the incorporated limits of the town shall be paid over to the town treasurer, by the officers collecting the same.

Writs.

§ 29. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt before the police magistrate, or in case of his absence or inability to act, before some other justice of the peace, in said town; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing the secretary to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Town constable.

§ 30. The town constable, appointed under the provisions of this act, shall have power and authority to execute all process issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Madison, and shall have the same power, jurisdiction and authority within the limits of said town as other constables under the laws of this state, and shall give bond and qualify as the said board shall, by ordinance, prescribe.

Adoption of charter.

§ 31. It shall be the duty of the president and board of trustees of the town of Collinsville to give two weeks' notice, previous to the first Monday in next April, of the passage of this act, by posting up notices in three of the most public places in said town, calling upon the legal voters of the town to vote for or against the adoption of this act; and if a majority of the votes cast at said election are in favor of the adoption of the same it shall become a law, and the act entitled "An act to incorporate the town of Collinsville," approved February the 15th, A. D. 1855, will cease to be a public act; but if a majority of the votes cast are against the adoption of this act, then the aforesaid act of February the 15th, A. D. 1855, shall continue in full force and effect.

APPROVED February 24, 1859.



AN ACT to incorporate the town of Columbia, in Monroe county, state of Illinois. In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Columbia, Monroe county Illinois, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Board of Trustees of the town of Columbia;" and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure; and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Body corporate

§ 2. The boundary of said corporation shall be one mile square; the centre thereof shall be the northeast corner of lot No. eight, in Gardner A. Williams' addition to the town of Columbia, as recorded on the plat of said addition in the recorder's office of Monroe county, in book E, last page in said book. Boundary.

§ 3. Whenever any tract of land adjoining the corporate limits of the town of Columbia shall be laid off in town lots, and duly recorded, as required by law, the same shall be annexed to and form a part of the said corporation. Additions.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and all actions whatever; to purchase, receive and hold property, real and personal, in said town, and also beyond the corporation limits, for burial grounds and for other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and to do all other things in relation thereto as natural persons. Powers.

§ 5. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business; and the first election of said trustees shall be held at the house of Ernst Mund, (hereinafter provided,) in Columbia, and shall be opened at nine o'clock in the morning, and continue open until five o'clock in the afternoon of the same day. The electors present at nine o'clock, (the opening time of the polls,) shall elect three of their number to officiate as judges and one to act as clerk, who shall be sworn by some person duly authorized to administer oaths, and in all things shall conduct such election as is required by the general election laws of this state; shall canvass the votes and make certificates, under their hands and seals, of the persons elected, and deliver the same to them, and make returns of the poll book and certificate attached to the clerk of the board of the trustees, when he shall be appointed and enter upon the duties of his office, Trustees.

Election.

§ 6. On the first Monday of March next, and every first Monday of March thereafter, shall be elected five trustees, who shall hold their offices for one year and until their successors are duly elected and qualified; and public notice of time and place of holding said election shall be given by the board of said town, by an advertisement, published in a newspaper, or posting it up in at least three of the most public places in said town. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and, moreover, who has not paid a state or county tax. All white free male inhabitants, over twenty-one years of age, who have resided six months next preceding an election, shall be entitled to vote for trustees. And said trustees shall, at their first meeting proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation. All vacancies which occur for a longer time than three months before a regular election, the board shall give ten days' notice, by posting up at least three advertisements in said town, for the election of a trustee to fill such vacancy, to be filled in the same manner as provided for in regular elections. And said trustees shall have power to appoint a clerk, an assessor, a treasurer, a street commissioner, and a town constable, and fill all vacancies of such officers; which said officers so appointed shall give bond and security in such amount, and with such conditions as the trustees may require. The said constable shall take an oath of office before some justice of the peace or notary public, that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines, and serve all processes at the suit of the corporation; and shall execute all writs, processes and precepts which may be issued against any person for the violation of any of the laws or ordinances of the town; shall have and possess the same powers, and perform the same duties, in other respects, within the limits of the corporation as constables of the county possess and perform. Said constable shall be elected for one year, and until his successor is elected and qualified.

Officers.

Rules and regulations.

§ 7. The trustees aforesaid and their successors, or a majority of them, shall have full power to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business of the corporation, as they may deem expedient; and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said town, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things,

which to them may seem necessary to do; and which are not contrary to the laws and constitution of this state.

§ 8. The said trustees shall have power to levy and collect a tax, not exceeding one-half of one per cent. on all lots, improvements and personal property lying and being within their corporate limits of said town, according to the valuation; to levy and collect a license on public shows, peddlers, houses of public entertainment, taverns, beer houses, groceries and stores, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require, and adopt such modes and means for the assessment and collection of taxes as they, from time to time, shall deem expedient, and prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided*, no sale of real estate shall be made until public notice of the time and place of sale shall be given, by advertisement in three of the most public places in said town, by putting up written notices, containing a list of said delinquent real estate, at least thirty days previous to the day of sale. Tax.

§ 9. Any lots or real estate sold for taxes, shall be subject to redemption in such times and terms now provided, or hereafter to be provided, by the revenue laws of this state, for the redemption of real estate sold for state and county taxes. But should the estate so sold for taxes not be redeemed in the time and manner provided by law, and if the purchaser or other person for him shall have paid all taxes with which such real estate or lots shall have been charged up to the time when the right of redemption shall expire, and shall have complied with article nine, section four, of the constitution of the state of Illinois, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers, a deed therefor, signed by the president, and countersigned by the clerk of the board of trustees. Redemption.

§ 10. The trustees shall have power to regulate, grade, plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax of not more than five days nor less than two days, against every able bodied male inhabitant of said town over the age of twenty-one years and under fifty years of age, to be collected and expended in such manner as they determine and direct. Street labor.

§ 11. The trustees shall have power to tax, restrain, prohibit and suppress tippling houses, dram shops and gambling houses, bawdy houses and other disorderly houses. Tippling houses, &c.

§ 12. The trustees, or a majority of them, shall have the power to preserve good order and harmony in the said town, and to punish open indecency, breaches of the peace, horse



rating, disorderly houses, riotous meetings and assemblies, and to punish persons for making loud and unusual noises, or for disturbing persons assembled at religious or other meetings in said town; for which purposes the trustees may make such by-laws and ordinances, not inconsistent with the laws of the state, as they may deem necessary or expedient, to carry the provisions of this act into effect, and impose fines for the violation thereof, which fines shall be recovered before any justice of the peace in the said town, saving in all cases the right of trial by jury.

Justice of the  
peace.

§ 13. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view or on complaint being made to him upon oath, of the violation of any law or ordinances of said town, to issue his warrant, directed to the town constable or any other authorized person, to apprehend the offender or offenders and bring him or them forthwith; and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the corporation, to impose such fine or imprisonment as is provided by the laws of the state for the punishment of similar offences.

Appeals.

§ 14. In all cases arising under the provisions of this act, appeals may be taken and writs of *certiorari* allowed, as is now or may hereafter be provided by law.

Fines.

§ 15. All fines or moneys collected for licenses granted under the provisions of this act shall be paid into the town treasury, for the use of the inhabitants of the town; and the county court of Monroe county shall not be authorized to levy a license on the aforesaid houses of public entertainment, taverns, beer houses, groceries and stores within the limits of said town of Columbia: *Provided*, said town shall support and maintain her own paupers.

Record.

§ 16. The trustees shall keep a well bound book, in which shall be recorded, in a fair and legible hand, all by-laws and ordinances of said corporation; and no by-law or ordinance shall be in force until the same shall have been advertised, by posting up copies of the same in at least three of the most public places in said town, ten days previous to the time the same is to go into effect, or by publication in some newspaper in said town; which record or book shall be evidence of the authority of said by-laws or ordinances that they have been legally enacted in all courts.

Side-walks.

§ 17. The trustees shall have the power to make pavements or sidewalks in said town, as to them may seem needful: *Provided, always*, that the lot in front of which any side-walk is made shall be taxed to pay at least one-half of the expenses of said side-walk.

Nuisance.

§ 18. The said trustees shall have power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement thereof.

§ 19. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to give the town of Edwardsville, in Madison county, power to subscribe to the capital stock of the Madison County Railroad Company.

In force February 23, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Edwardsville, in Madison county, is hereby authorized to subscribe to the capital stock of the Madison County Railroad Company any sum, not exceeding thirty thousand dollars, or to loan the credit of said town to said company for the same sum; and, for the purpose of carrying the provisions of this act into effect, said town of Edwardsville, through its president and board of trustees, are hereby authorized to make and issue the bonds of said town, bearing interest at a rate not exceeding ten per centum, per annum, payable to said company or to any person or body corporate: *Provided, however,* that whenever such subscription or loaning of credit is proposed to be made it shall be the duty of the president and board of trustees of said town of Edwardsville to order a vote of the taxable inhabitants of said town, who are entitled to vote in said town, by publication in all the public newspapers published in said town, stating that on a certain day, not less than thirty days from such publication, a vote of the taxable inhabitants of said town, who are entitled to vote therein, will be had to decide whether said town shall subscribe or loan its credit, as proposed by the president and board of trustees—said publication stating the amount proposed to be subscribed, for which the credit of the town is proposed to be loaned the said company, and the amount and terms of the loan proposed to be issued. Said vote shall be taken by ballot, at the place of holding the election; and if a majority of the votes cast shall be in favor of the proposition of the president and board of trustees of said town, then the subscription shall be made; otherwise not: *Provided,* that in case said proposition be not adopted upon the first vote, it shall be lawful to submit the proposition or any other proposition in relation to the same subject, in the same manner, to a vote of the people, whenever said board of trustees shall deem it for the public interest to do so.

Authorized to subscribe for stock.

Proviso.

§ 2 The president and board of trustees of the said town of Edwardsville: (*Provided,* a majority of the votes cast at such election be cast in favor of the loan,) shall have power and shall cause to be levied, raised and collected,

Special tax.

annually, a special tax, upon all taxable property, both real and personal, within the town, of sufficient amount to pay the interest on any and all bonds issued under the provisions of this act, as the same shall become due and payable by the terms of said bonds; and the money so to be raised shall be set apart for the purpose of paying the interest of said bonds, as the same shall become due and payable; and in case a surplus of the moneys so raised remaining in any year after paying the interest as aforesaid, the same shall remain a fund under the control of the president and board of trustees of said town, and be applied to the payment of the interest accruing on said bonds in the next succeeding year. And the aforesaid tax shall be levied, raised and collected in each and every year as aforesaid, after the issuing of the town bonds authorized by the provisions of this act, until the principal and interest of said bonds shall be fully paid and satisfied; and the aforesaid tax shall be levied, raised and collected in the same manner as taxes for ordinary town purposes. And the said stock, so subscribed for by the said town, shall be under the control of the president and board of trustees of said town, in all respects as stock owned by individuals, and may be sold and transferred by them.

§ 3. This act shall be in force from and after its passage.

APPROVED February 23, 1859.

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In force Feb'y 14, 1859. AN ACT entitled "An act to consolidate the towns of Effingham and Broughton, with the several additions thereto, under the name of Effingham.

Towns consoli-  
dated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the towns of Effingham and Broughton, in Effingham county, Illinois, together with the several additions now or hereafter to be made to said towns or town, be and the same are hereby consolidated, under the name and title of "Effingham," and that the said town of Broughton be known as the Broughton addition to the town of Effingham.

*Be it further, enacted,* That this act take effect from and after its passage.

APPROVED February 14, 1859.



## AN ACT to incorporate the town of Eureka.

In force Feb'y  
23, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Eureka, in the county of Woodford, are hereby made a body politic and corporate, in law and in fact, and in the name and style of "The President and Trustees of the Town of Eureka," and by that name it shall have perpetual succession, and a common seal, which seal they may alter at pleasure; and in the president and trustees the entire government of the corporation shall be vested, and by them its affairs shall be managed.

Body politic.

§ 2. The corporation shall include and embrace all the land bounded as follows: Beginning at the northeast corner of the northwest quarter of section 7, township 26, range 1 west of the third principal meridian; running thence west, one mile, to the northwest corner of the northeast quarter of section 12, township 26, range 2 west of the third principal meridian; thence south, two miles, to the southwest corner of the southeast quarter of section 13, township 26 north, in range 2 west of the third principal meridian; from thence, running east, to the southeast corner of southwest quarter of section 18, township 26 north, in range 2 west of the third principal meridian, and from thence, running north, to the place of beginning.

Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; and purchase, receive and hold property, real or personal, within or beyond the limits of said town, for burial grounds and for other public purposes, for the use of the inhabitants of said town; and may lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and to do all things in relation thereto as natural persons; and that all such property, while in the possession of said corporation, shall be exempt from taxation.

Powers.

§ 4. That there shall, on the first Monday of March next, be elected five trustees, and on every first Monday of March thereafter, who shall hold their offices for one year and until their successors are duly elected and qualified; and public notice of the time and place of holding said election shall be given by the president and trustees of said town, by an advertisement published in a newspaper in said town or posting it up in at least three of the most public places in said town; the first notice of election to be given by R. M. Clark or by any of the qualified voters in the town. James R. Burton, C. C. Dewees, J. L. Springgate, G. W. Beckner, A. M. Myers and W. H. Davenport, or any three of them, shall prescribe the manner in which the election or elections for the organization under which this charter shall be con-

Trustees.

ducted; and the board of trustees shall prescribe the manner in which all subsequent elections shall be conducted. No person shall be elected a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* citizen and legal voter in said town; and all white free male citizens over twenty-one years of age, who have resided in said town six months preceding an election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation or removal: *Provided*, the vacancy shall not exceed three months. All vacancies which shall occur for a longer time, the board shall give ten days' notice that an election will be held for the purpose of filling said vacancy. The trustees shall be judges of the election, qualifications and returns of their own members; a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and by a vote of three-fifths of the whole number elected, expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient.

Justice of the  
peace.

§ 5. There shall be elected, at the first regular election of corporation officers and every year thereafter, a justice of the peace and a town constable, and who shall have all powers and jurisdiction of other justices of the peace and constables, who shall give bond, be commissioned and qualified in the same manner as other justices and constables. At the election at which said justice and constable shall be chosen, the officers of the election, such as judges and clerks, shall make out and forward to the county clerk of Woodford county, returns of the same, exactly as in the election of other justices of the peace and constables. Said justice shall have exclusive jurisdiction over all suits growing out of violation of any of the ordinances of said corporation, except in cases of absence or inability to serve, when the nearest justice in the county shall have power to act.

§ 6. The president and trustees of said town shall have power—

Streets and al-  
leys.

*First.*—To cause all the streets and alleys and public roads within the limits of said town, to be kept in good repair, and to this end they shall require every male resident over the age of twenty-one years and under fifty years of age, to labor on the same not exceeding three days in each and every year; and if such labor be insufficient for said purpose, to appropriate so much from the general funds of the corporation as they shall deem necessary therefor.

*Second.*—To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys or public roads or sidewalks; and that the lot in front of which any sidewalk is made shall, in addition to the regular tax imposed by the board of trustees, be taxed at least one-half of said expenses of making said sidewalk, which tax shall be assessed and collected in the same manner as other taxes are.

*Third.*—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide by ordinance for enforcing the payment thereof, they shall be collected in the manner provided for in the ninth section of chapter 89, in the Revised Statutes of the state of Illinois. Taxes.

*Fourth.*—To appoint a clerk, treasurer, street commissioner, board of health, and all other officers that may be necessary, and to prescribe their duties, and may require bond from the several officers for the faithful discharge of their duties. Officers.

*Fifth.*—To restrain, regulate or prohibit the running at large of any cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses or other animals. Animals.

*Sixth.*—To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.

*Seventh.*—To prevent horse racing or any immoderate riding or driving within the limits of said town of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or any public road in said town. Racing.

*Eighth.*—To establish and maintain a public pound and appoint a pound master and prescribe his duties.

*Ninth.*—To license, regulate and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements. Shows.

*Tenth.*—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries or shooting within the limits of said town. Riot's.

*Eleventh.*—To abate and remove nuisances and punish the authors thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. Nuisances.

*Twelfth.*—To make regulations to prevent the introduction of contagious diseases into said town, and execute the same for any distance not exceeding two miles from the limits thereof. Diseases.



- Combustibles. *Thirteenth.*—To regulate the storage of gunpowder and other combustible materials.
- Fires. *Fourteenth.*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Water. *Fifteenth.*—To provide the town with water for the extinguishment of fires, for the convenience of the inhabitants.
- Sixteenth.*—To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town.
- Seventeenth.*—To provide for erecting all needful buildings for the use of said town.
- Gaming. *Eighteenth.*—To restrain and prohibit all descriptions of gambling and fraudulent device, and to suppress and prohibit billiard tables, ball alleys and other gaming establishments.
- Nineteenth.*—To suppress and prohibit disorderly houses or groceries, and houses of ill-fame.
- Twentieth.*—To make all necessary regulations to secure the general health of the inhabitants thereof.
- Liquors. *Twenty-first.*—To regulate, suppress and prohibit the retailing or selling, bartering, exchanging, giving away and traffic of any wine, rum, gin, brandy, whisky, malt or any other intoxicating liquors, within the said limits of the said town: *Provided*, that they may allow *bona [fide]* druggists to sell the same, in good faith, for purely medicinal or mechanical purposes.
- Expenses. *Twenty-second.*—To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.
- Ordinances. *Twenty-third.*—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any offence.
- Records. § 7. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Eureka, shall be received in all courts, without further proof, as evidence of all such matters therein contained. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published

in said town, or by posting up copies in three of the most public places in said town.

§ 8. Any fine or penalty or forfeiture incurred under this act, or any by-laws or ordinances made in pursuance of this act, or of any act passed amendatory to this act, may be recovered, together with costs, before any justice of the peace, in the incorporate name; and the several fines, forfeitures or penalties for breach of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit, and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person; but in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the offender or offenders in the same manner as for like offences against the state. It shall be lawful to declare generally, for debt, for such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-law under which the same are claimed, and to give the special matter in evidence under the declaration, and the justice shall proceed to hear and determine the case as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures, the justice shall issue his execution for the same and costs of suit, which may be levied upon any personal property of the defendant or defendants, not exempt from execution. If the constable or other officer shall return upon such execution "no property found," then the justice shall issue a *capias* against the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the jail of the county, to remain forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars, and so in proportion to the judgment and costs: *Provided, however*, if the said president and trustees or their attorney shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real estate and signify the same in writing to him, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings thereof, according to law, to such clerk, which shall be filed and recorded, as in other cases; and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided*, an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges to all parties, as in other cases.

Fines and imprisonment

§ 9. The justice of the peace and constable who may render service under this act, shall be entitled to the same fees and collect them in the same manner as is or may hereafter be provided by law in other cases.

Fees.

§ 10. The president and trustees shall not be required in suits instituted under this act or ordinances passed by virtue thereof, to file before the commencement of any such suit any security for costs.

§ 11. All fines, forfeitures and penalties received or collected of any ordinance of this act, shall be paid into the treasury of said corporation by the officer or person receiving or collecting the same, for the use of said town.

Exemption.

§ 12. The inhabitants of said town are exempted from working on any road beyond the limits of the corporation, and from paying any tax upon property within its limits to procure laborers to work upon any such road.

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without proof.

§ 14. Any failure to hold the first election under this act at the specified time, shall not work a forfeiture thereof, but the said election may be held at any day thereafter, by giving the proper notice.

§ 15. This act to take effect from and after its passage.  
APPROVED February 23, 1859.

In force Feb'y  
24, 1859.

#### AN ACT to incorporate the town of Fairview.

Body politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Fairview, in the county of Fulton and state of Illinois, are hereby constituted a body politic and corporate, by the name and style "The President and Trustees of the Town of Fairview;" and by that name and style shall have perpetual succession, and have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Powers.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for burial grounds or other purposes, for the use of the inhabitants of said town; and may sell, lease or dispose of property, real or personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons.

Boundaries.

§ 3. That the boundaries of the corporation of said town be as follows, to wit: Beginning at the northeast corner of the southeast quarter of section thirty-three, in township



eight north of the base line, number three east of the fourth principal meridian; thence south one-fourth of a mile; thence west three-quarters of a mile; thence north one-fourth of a mile; thence east to the place of beginning: *Provided, nevertheless*, the president and trustees of said town may, at any time, by ordinance, extend the boundaries of said corporation, on the north of said town, not exceeding one-half mile; on the south, not exceeding one-half mile; and on the west, not exceeding one-half mile.

§ 4. That there shall, on the first Monday in May next, Trustees. and on the first Monday of May ever thereafter, annually, be elected five trustees for said town, who shall hold their offices for one year and until their successors are elected and qualified; and notice of the time and place of the first election shall be given by Edward Cox, James Ayrs, Abraham J. Voorhees, Peter Mitchel and Joseph Cook, or a majority of them, by posting at least four notices in the most public places in said town, or by publishing the same in any newspaper published in the place, at least ten days before the time of holding the same; and annually thereafter notices of elections shall be given by the president and trustees, by publication in a newspaper, if any shall be published in said town, or by posting four notices in public places in said town, giving the same time of notice as aforesaid. No person shall be elected trustee in said town who shall not be entitled to vote for state and county officers, and who shall not have been, for one year previous to such election, a *bona fide* resident within the incorporated limits of said town, and shall have paid taxes within the same.

§ 5. That at any election for trustees, every person who Voters. shall be qualified to vote for state officers and who shall have a residence within the limits of said corporation for one month previous to such election, shall be a legal voter.

§ 6. That the trustees shall elect one of their number President. president, and shall be judges of the elections and returns of their own members, a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and, by a vote of three-fourths of their whole number elected, expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill any vacancy in the board of trustees, occasioned by death, resignation, continued absence from town for three months, or otherwise.

§ 7. The president and trustees of said town shall have Streets. power to cause all the streets, alleys and public roads, within the limits of said town, to be kept in good repair, and to this end they shall require every male resident of said town, over the age of twenty-one years and under the age of fifty,

to labor on the same, not exceeding three days in each and every year; and if such labor be insufficient for that purpose, to appropriate so much from the general fund of the corporation as they shall deem necessary therefor.

Taxes.

2. To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half of one per cent., per annum, upon the assessed valuation thereof, and may enforce the payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide by ordinances for enforcing the payment thereof, they shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Animals.

3. To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses and other animals.

Dogs.

4. To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance.

5. To regulate and prohibit any indecent exposure of person.

Racing.

6. To prevent horse-racing or any immoderate riding or driving, within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, public square, vacant lot or public road, in said town.

7. To establish and maintain a public pound, and to appoint a pound master and prescribe his duties.

Gaming.

8. To restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys and all other gambling establishments, and all lotteries and sale of lottery tickets.

9. To suppress and prohibit disorderly houses or groceries, and houses of ill fame.

Shows.

10. To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements.

Riots.

11. To prevent, suppress and prohibit any riot, affray, disturbance of the peace by loud and unusual noises or any disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns or other combustibles or firearms, within the limits of said town.

Nuisances.

12. To abate and remove nuisances and to punish the authors thereof, and to define and declare what shall be deemed nuisances.

13. To make regulations to prevent the introduction of Diseases.  
contagious diseases into the town, and execute the same for any disease, not exceeding one mile from the limits thereof.

14. To regulate the storage of gunpowder and other Combustibles.  
combustible materials; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to provide the town with water, for the extinguishment of fires and for the convenience of the inhabitants.

15. To provide for the inclosing, improving and regulating all public grounds or other lands belonging to said town.

16. To open, alter, vacate, widen, extend, establish, Streets.  
grade, pave or otherwise improve any streets, avenues, lanes, alleys or side-walks, within the limits of said town.

17. To make all necessary regulations to secure the general health of the inhabitants thereof.

18. To provide for the erection of all needful buildings, for the use of said town.

19. To suppress and prohibit the selling, bartering, exchanging and trafficking in wines, gin, rum, brandy, whisky, Liquors.  
beer or other intoxicating beverages, within the limits of said town: *Provided*, they may allow it sold, in good faith, for purely medicinal, mechanical or sacramental purposes, but for no other [purpose]; and said president and trustees may regulate and license the sale of such liquors, or any of them, in any manner, not inconsistent with the laws of this state.

20. To appropriate and provide for the payment of any debts or expenses of the town, and to fix the compensation of town officers.

21. To make all ordinances which shall be necessary and Ordinances,  
proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except for assault, assaults and batteries, riots and affrays, shall the fine be more than twenty-five dollars.

[*Police Justice and Town Constable.*]

1. There shall be elected, in the town of Fairview, by Police justic .  
the qualified voters thereof, on the first Monday of May, 1859, and on the first Monday in May, biennially, for ever thereafter, a police justice and a town constable, who shall hold their offices for two years and until their successors shall be elected and qualified.



## Eligibility.

2. No person shall be eligible to the office of police justice or to the office of town constable, who shall not have been a resident of the town for one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

3. For the election of police justice and town constable, the town of Fairview is hereby declared an election precinct; and such election shall be conducted and the returns thereof made in the same manner as the election and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same time and shall be conducted by the same judges as the election of town trustees, and at the expense of the town of Fairview.

## Commission.

4. The police justice shall be commissioned by the governor of the state of Illinois as a justice of the peace; and, as such, give bond and take and subscribe the same oath of office as other justices of the peace; and, as such, shall be a conservator of the peace for the said town; and shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state; and shall be entitled to the same fees for his services as other justices of the peace, in similar cases.

## Constable.

5. The town constable shall have such power and authority, and be entitled to such fees, and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the corporation hereby created; and shall have the same power and authority, in all cases arising under the laws of this state, as other constables of the county; and shall have the right to serve process, as other constables, at any place within the limits of the county of Fulton. The jurisdiction and power hereby given and conferred to said police justice and constable, and such as has been or may be conferred, by acts of the legislature, on other incorporated towns and cities, and none other. In case the police justice shall, at any time, be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Fulton county, and, on conviction, shall be fined in any sum, not exceeding two hundred dollars, and removed from office.

*Elections.*

The first election shall be held by Edward Cox, James Ayrs, Abraham J. Voorhees, Peter Mitchel and Joseph Cook, or a majority of them, who shall take the oath prescribed by the statute for judges of elections, and ever after by the president and trustees of the town of Fairview, according to ordinance passed by them for elections. Elections.

1. The president shall preside at all meetings of the board of trustees, and shall have a casting vote, and no other; and, in case of his non-attendance at any meeting, the board of trustees shall appoint one of their number chairman, who shall preside at that meeting. President.

2. The president, or any two members of the town trustees, may call special meetings of the town trustees. Special meetings.

3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call shall forfeit and pay to said town a fine, not exceeding ten dollars.

4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers; and shall have power to do all other acts required of him by any ordinance made in pursuance of this act. Exhibits.

*Special Cases.*

The town trustees shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley or any part of any street or alley, according to their respective fronts owned by them, for the purpose of paving or grading the side-walks of such street or alley. The inhabitants of the town of Fairview are hereby exempted from working on any road beyond the limits of the town, and from paying tax to procure laborers to work on the same. Any person, liable to do road work in said town, refusing or neglecting to perform said work, as the trustees may require by ordinance, not exceeding the three days, shall forfeit and pay the sum of one dollar for each and every day so neglected. Special tax.

5. The town trustees shall have power to provide for punishment of offenders against the ordinances of said town, by imprisonment in the county jail, not exceeding thirty days for any offence, in all cases where the offender shall fail or refuse to pay the fines and forfeitures which may be Imprisonment

recovered against them, the said town paying the expense therefor.

Annual state-  
ment.

6. The town trustees shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended. All moneys received from fines shall be paid into the office of the treasurer of the board of trustees, subject to their order of distribution.

Ordinances.

7. The trustees may make ordinances requiring all necessary officers to carry out the requirements of this act.

Oath.

8. All the officers shall be sworn to support the constitution of the United States and of this state, and the necessary oath appending to office.

Bonds.

9. All bonds, required from officers, not mentioned in this act, shall be given to the president and trustees of the town of Fairview. And they, the said trustees, shall affix their compensation.

Appeals.

10. Appeal shall be allowed, in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act, to the circuit court of Fulton county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court, in similar cases, under the laws of this state.

Vacancies.

11. Whenever a member of the board of trustees, the police justice, or town constable, or any one holding office under the corporation, shall remove from the town, resign or die, or his office become vacated otherwise, the town trustees shall cause the same to be filled—those that are elective by election—to fill out the expiring time of said office.

12. This act is hereby declared a public act, and may be received in evidence in all courts of law and equity in this state, without proof.

13. The town constable, or any other officer authorized to execute writs or other process issued by the police justice, shall have power to execute the same anywhere within the county of Fulton, and shall be entitled to the same fees as other constables in like cases.

Election.

14. An election shall be held on the first Monday of April next, in the corporate limits aforesaid, and conducted by the said persons, or a majority of them, who are herein named for conducting the first election for officers; at which all persons, then actually residing within the proposed corporate limits, shall have the right to vote; and at such election the voters shall designate, by their ballots, whether they are "For Incorporation" or "Against Incorporation;" and if a majority voting at such election shall be "For Incorporation," then the said town of Fairview shall be deemed and held to be incorporated, under this act; but if a ma-



majority voting at such election shall be "Against Incorporation," then this act shall be null and void.

§ 15. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to incorporate the town of Fieldon, in Jersey county, Illinois," approved Feb. 7, 1857. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, for the election of a justice of the peace, the said town of Fieldon is hereby declared to be an election precinct; and that on the first Monday of March next, and every four years thereafter, an election shall be held in said town, for the election of one justice of the peace of said town; which election shall be held and conducted, and returns thereof made, in all respects, as is or may be provided by law for the election of justices of the peace. Justice of the peace.

§ 2. The said justice of the peace shall be commissioned and qualified, and shall possess the same qualifications, be subject to the same penalties, and have the same rights, privileges and jurisdiction, as other justices of the peace of this state. Commission.

§ 3. The said justice of the peace shall have the right to hear and determine all cases arising under the ordinances of said town, for a breach or violation thereof, and to impose such penalty as may be prescribed by the ordinances: *Provided*, that nothing herein contained shall prevent any person charged with any such violation to the right of trial by a jury. Powers.

§ 4. Appeals may be taken and writs of *certiorari* prosecuted from the judgments of said justice of the peace in the same manner as from those of other justices of the peace in this state. Appeals.

§ 5. Previous to the election of said justice of the peace the trustees of said town shall give notice of the said election, for the same time and in the same manner, as now provided by law for the election of trustees of said town; and every person entitled to vote for trustees shall be entitled to vote for said justice of the peace. Notice.

§ 6. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y AN ACT entitled "An act to change the name of the town of Urbanna, in St. Clair county, to that of Freeburg." 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of "Urbanna," in St. Clair county, be and the same is hereby changed to that of "Freeburg:" *Provided, however,* that the change of name shall in no wise affect contracts or conveyances heretofore made.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1859.

In force Feb'y AN ACT to legalize the original plat of the town of Gillespie, in Macoupin county, and also the plat of Philander C. Huggins' addition to said town. 12, 1859.

Original plat  
legalized.

*Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the original plat of the town of Gillespie, as recorded on page twelve, of book A. A., of the records of deeds of Macoupin county, and the plat of Philander C. Huggins' addition to said town of Gillespie, as recorded on page thirty-six, of the town plat book of the records of said county, be and the same are hereby legalized, for any and all purposes whatsoever, as if the same had been surveyed, platted, certified and recorded as required by law.

APPROVED February 12, 1859.

In force Feb'y AN ACT for the relief of Solon Cumins, Willis T. House and others, and for the legalizing of the plat of Grand de Tour and its additions. 24, 1859.

Preamble.

Whereas Willard A. House and Amos Bosworth, late of the county of Ogle and state of Illinois, deceased, did, on the twenty-first day of July, A. D. 1837, cause to be surveyed the town of Grand de Tour, in said Ogle county, and on the twenty-third day of August of that year filed the plat thereof in the recorder's office of the county aforesaid, and the same became of record therein; a true and complete copy of which said plat and record is on file in the office of the secretary of state, marked "A." And whereas Solon Cumins, of said county, in the years, A. D. 1842 and 1843, became the owner of all the lands upon which the said town of Grand de Tour was so laid out, by purchase of the United States and otherwise, and did, on the fourteenth day of July, A. D. 1843, file in the

said recorder's office an instrument in writing, under his hand and seal, purporting to be a vacation of certain lots, blocks and streets of said town, therein particularly described, and on that day also caused a survey of the northern and southern additions to said town, and a plat thereof to be filed and made of record in said county, in which the said northern addition embraced the part of the original town mentioned in the writing filed as aforesaid, and supposed to be vacated thereby; a true and complete copy of which said plat of said northern and southern additions is on file in the said office of the secretary of state, marked "B." And whereas the said Solon Cumins has conveyed lots and blocks of said town of Grand de Tour and additions to divers persons, by and as described in plats "A" and "B," both before and after the said supposed vacation; which said surveys, plats and vacation are uncertain, incomplete, incorrect and null and void, and with the conveyance aforesaid have caused great ambiguity and confusion in the titles to the lots and blocks so intended to be conveyed by the said Cumins; and whereas he has lately caused a careful and exact resurvey of the said town of Grand de Tour, and of its said additions, to be made by the county surveyor of said county, numbering, marking and naming the lots, blocks, streets and alleys therein as the same are numbered, marked and named in the original plats aforesaid, so far as the same could be done, a full and true map of which said resurvey is also on file in the office of the secretary of state, and marked "C;" therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the map of the town of Grand de Tour, and of its northern and southern additions, in the county of Ogle and state of Illinois, made and certified by Miles B. Light, county surveyor of said county, and now deposited in the office of the secretary of state, shall be deemed and taken to be a true and complete plat of the lots, blocks, streets, alleys, squares, public grounds and reservations in said town and additions thereto, and shall be evidence in all courts to establish the laying out and particular description thereof, when acknowledged and recorded as hereinafter directed.

Map to be  
deemed true  
and complete.

§ 2. That it shall be the duty of the secretary of state carefully to keep the maps aforesaid, marked "A," "B" and "C," in his office, and to furnish the said Solon Cumins with a certified copy [of] said map, marked "C," who shall acknowledge and record the same, as is directed by the statute concerning the acknowledgment and recording of town plats.

§ 3. After the said Solon Cumins shall have complied with the requisitions of the foregoing section, all conveyances heretofore made by the said Solon Cumins and his grantees,

Conveyances  
to evidence.



or by their heirs and assigns, of lots, blocks and reservations, in the said town of Grand de Tour, and said northern and southern additions (excepting of lots in the northern addition hereafter mentioned) according to the said plats, marked "A" and "B," shall, in all courts of this state, be deemed and held to be evidence of the conveyance of the corresponding lots, blocks and reservations of said town and additions in, and as set down and marked upon said plat "C," and that all conveyances heretofore made, as aforesaid, of lots No. 5, 6, 7, 8, 16, 17, 18, 19, 21 and 22 of the northern addition, according to said plat "B," shall, in like manner, be deemed and held to be evidence of the conveyance of the lots and blocks numbered and marked on said plat "C" in place of the above mentioned lots of the northern addition, as is particularly described and explained in the surveyor's certificate appended to said plat "C."

Expenses.

§ 4. That the contingencies and expenses incurred in said resurvey and platting of said town be paid by the present proprietors thereof, and that the assessed value of the said town lots as made and assessed by the assessor of said town be the basis on which the amount to be paid by the respective proprietors shall be computed, and that the present supervisor or his successor of the said town of Grand de Tour be and are hereby authorized to institute a suit before a justice of the peace, to recover the amount due, as above provided, from any and all proprietors of said town.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 24, 1859. AN ACT to amend an act entitled "An act to incorporate the town of Greenville, Bond county, Illinois, approved February 15, 1855.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and board of trustees of said town shall have power to relocate the boundaries of said town, fixing the centre at such point as to them may seem best: *Provided,* that the boundaries shall not exceed one mile square.

Writs.

§ 2. That, for the purpose of executing any writ, precept or process, which may be issued under any ordinance of said town, or for a violation of the same, the town constable shall be and is hereby empowered to execute the same at any place within the county of Bond.

Revenue.

§ 3. The president and board of trustees may, if they choose, collect the revenue of said town by adopting by ordinance, the annual assessment made of the property of

said town by the county assessor, and cause the same to be collected by the county collector; and if the said president and trustees of said town shall determine to adopt the assessment made by authority of the state and county, they shall give the clerk or other officer whose duty it is by law to extend the tax, notice of their intention so to do, which notice shall be a copy of their record and the rate of taxation, and upon the receipt of such notice, the said tax shall be extended and collected, and its collection enforced in the same way as the other revenue, and the clerk and collector shall be allowed the same compensation for services under this act, as are allowed for similar services under the revenue laws of this state.

§ 4. All ordinances passed by the president and board of trustees of said town may be published either by posting, as provided in section sixteen of the act to which this is an amendment, or by publication in some newspaper published in said town, and the certificate of the publisher of such newspaper, or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication in all courts of justice. Ordinances.

§ 5. The powers granted by section No. 12, hogs included, of an act to incorporate the town of Carlinville, approved February 9th, A. D. 1853; and also by section No. 19 of said act, are hereby granted and conferred upon the president and board of trustees of the town of Greenville. Powers.  
This act shall take effect from and after its passage.

APPROVED January 24, 1859.

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AN ACT to amend an act entitled "An act to amend the charter of the town of Henry," approved March 1st, 1854. in force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section first of article third of the charter of the city of Henry is hereby amended so that the mayor of said city shall be elected annually, and shall hold his office one year and until his successor is elected and qualified. Mayor.

§ 2. That the clerk, treasurer, assessor, marshal and supervisor of streets, which, by section 2d of article 5th of the charter of said city, the city council have power to appoint, shall hereafter be elected, annually, by the qualified voters of said city, and shall hold their office for one year and until their successors are elected and qualified. Officers.

§ 3. There shall be elected, annually, at the city election, a weighmaster who, by virtue of his office, shall be wood inspector, also inspector of weights and measures, who Weighmaster.

shall hold his office for one year and until his successor is elected and qualified.

Schools.

§ 4. That the schools in school district No. 2, in township 13 north, and range 10 east of the fourth principal meridian, now under the control of the city council of the city of Henry, shall hereafter be under the control of the township school trustees and three school directors, as is provided under the general school law of the state, and the office of the city school commissioner for said city is hereby abolished.

Liquors.

§ 5. The city council shall have power, under such restrictions as they may deem proper, to license taverns, groceries and others to sell, by the glass or otherwise, all kinds of spirituous, vinous or malt liquors, but no license shall be granted for less than fifty dollars a year, nor until the applicant shall give bond and security that he or she shall keep an orderly house and suffer or permit no gambling in the same.

Debts.

§ 6. The city council shall not create debts or render the city liable for debts created by them, in the aggregate, to exceed three hundred dollars, without first being so authorized by a vote of the city, taken at an election called specially for that purpose, notice of which election shall be given at least ten days before the holding of said election, by the city clerk; nor shall a tax be levied in any one year to exceed fifty cents on each hundred dollars, for city and road purposes, except the officers be first instructed by a vote of the city first had for that purpose.

Abolition of  
city govern-  
ment.

§ 7. That hereafter whenever twenty of the qualified voters of the city shall desire to abolish the city government and go back under township organization, and shall file with the clerk of the city council, a petition requesting the matter to be submitted to a vote of the people, it shall be the duty of said clerk to give notice at the first regular or special election, and if a majority of the electors vote in favor of abolishing the city charter and going back under township organization, the city charter shall, at the expiration of thirty days from said election, be repealed, and the city clerk shall post up three written or printed notices, at least ten days before the election, to elect three commissioners to settle the debts and affairs of the city, and which commissioners may assess, from year to year, any sum not exceeding fifty cents on the hundred dollars, on the assessed valuation of taxable property within the city limits, to pay the debts of the city, and if there shall be a surplus left, after paying the debts of the city, the surplus shall belong to the school fund of school district No. 2, in said township.

Election.

§ 8. The fifth section shall be submitted to the legal voters of said city of Henry, at any general election of said city. The notice for said election to contain the said fifth section, and a notice that the same will be submitted to the electors at said election. Upon the ballots shall be written



or printed the words, "For License," or "No License," and if the majority of said ballots be for license, then said fifth section to be of full force and effect, otherwise null and void.

APPROVED February 24, 1859.

AN ACT to incorporate the town of Illinoistown, in St. Clair county.

In force Feb'y  
19, 1859.

## ARTICLE I.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Illinoistown, in the county of Saint Clair, are hereby constituted and declared a body corporate and politic, by the name of and style of "The Town of Illinoistown," and by that name shall have perpetual succession, and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered in all actions whatever; to purchase, receive and hold property, both real and personal, within and beyond the limits of said town for burial grounds and other public purposes, to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require. Name.

§ 2. The boundaries of said town shall be as follows, viz: Boundaries.  
commencing at a cotton wood tree 30 inches in diameter, south of the St. Louis, Alton and Terre Haute bridge across Cahokia creek, thence running north 32 deg. E. 59 chains and 80 links, to a sycamore tree 40 inches in diameter, near the bridge of the turnpike; thence north 15 deg. E. 23 chains and 75 links, to two sycamore trees south [of] the railroad crossing; thence south 88 deg. E. 18 chains and 50 links; thence north 7 deg. E. 13 chains and 25 links and north 52 deg., 17 chains and 75 links, to a bunch of locust trees; from there south 58 deg. E. 53 chains and 30 links to Pappstown lane, down that 46 deg. south, 48 chains to turnpike, then south 6 deg. west, 60 chains, then north 79 deg. E. 29 chains, 40 links, then south 58 deg. E. 56 chains to starting point.

## ARTICLE II.

§ 1. The government of said town shall be invested in a president and four trustees, to be elected, annually, by the qualified voters of said town, and no person shall be a trustee unless at the time of his election he is a *bona fide* freeholder in said town and has paid a state or county tax, and Trustees.

he shall have resided in said town for the space of twelve months, twenty-one years of age and a citizen of the United States; and upon his removal from said town he shall vacate his office.

Eligibility.

§ 2. The board of trustees shall determine the qualifications of its own member, and all cases of returns and elections of their own body; a majority shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Oath.

§ 3. The president and each of the trustees shall, before entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and ability; and there shall be at least one regular meeting of said trustees in each month, at such time and place as may be prescribed by ordinance.

### ARTICLE III.

Police magistrate and marshal.

§ 1. There shall be elected in the town of Illinoistown, by the qualified voters thereof, on the first Monday in April, eighteen hundred and fifty-nine, and annually thereafter, a police magistrate and town marshal, who shall hold their respective offices for the term of one year and until their successors shall be elected and qualified.

Eligibility.

§ 2. No person shall be eligible to the office of police magistrate or town marshal who shall not have been a resident of said town for one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

Election.

§ 3. For the election of a police magistrate and town marshal, said town is hereby declared an election precinct, and such election shall be conducted in the same manner as the elections and returns of other justices of the peace and constables: *Provided*, such elections shall be held at the same time and shall be conducted by the same judges, as the election for members of the council.

Commissioners

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois, and shall have the same qualifications, be subject to the same requirements and penalties, and have the same rights, privileges, jurisdiction and duties that justices of the peace now or may hereafter have under the general laws of the state.

Marshal.

§ 5. The town marshal shall have the same rights, privileges, qualifications, and be subject to the same requirements and penalties, and have the same jurisdiction and duties that constables now or may hereafter have under the general laws of the state.

§ 6. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view or upon complaint being made to him, in writing, under oath, of the violation of any law or ordinance of said town, to issue his warrant directed to the town marshal or any authorized person, to [arrest] the offender or offenders and bring him, her or them before him forthwith, and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the corporation, to impose such fines or imprisonment as may be provided for by such ordinance. Warrant.

§ 7. The town marshal and such other officers of said town, as may be authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace or threaten to break the peace or be found violating any ordinance of the town, commit for examination and, if necessary, to detain over night or the Sabbath or until he can be brought before a magistrate, and shall have and exercise such other powers as conservators of the peace, as the town may prescribe. Arrest.

#### ARTICLE IV.

§ 1. The boundaries as herein defined or as may be hereinafter defined by ordinance, shall constitute a district for the election of one police magistrate and one town marshal, who shall be elected by the qualified voters of said town, at same time and place at which the trustees are elected; and the said police magistrate shall give bond and qualify as other justices are required by law to do; and he shall be *ex officio* president of the board of trustees, shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a trustee by the first section of article second of this act; and if he shall remove from said town his office shall be vacated. Election district.

§ 2. On the first Monday in the month of April, 1859, and on the first Monday of April, in each year thereafter, an election shall be held in said town for the election of four trustees, a police magistrate and a town marshal, who shall hold their offices for one year and each shall hold their offices until their successors are elected and qualified; which first election shall commence at 10 o'clock, A. M., and close at 4 o'clock, P. M., of said day; any two of the corporate trustees shall be judges of said first election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each one of the persons elected a certificate of his election; certify the votes for police magistrate and town marshal to the clerk of the county court, and lay the poll-books of such election before the board at its first meeting. All subsequent elections shall be held and con- Bond. Election.



ducted and returns made as may be prescribed by ordinance.

**Voters.** § 3. All white free male inhabitants over the age of twenty-one years, who may have a right to vote in said town at any general election for state or county officers, shall be entitled to a vote for said trustees, police magistrate and town marshal.

**Tie.** § 4. If two or more persons shall receive an equal number of votes for the office of police magistrate or town marshal, the board shall proceed to determine the same, by lot, and all contested elections shall be determined as prescribed by ordinance.

## ARTICLE V.

**Powers of trustees.** § 1. The president and trustees shall have power and authority to levy, assess and collect a tax on all property, real, personal and mixed, in said town, which is now or hereafter [may] be subject to taxation for state or county purposes, not exceeding one half of one per centum per annum upon the assessed value thereof, and may enforce the collection of the same by any ordinance not repugnant to the constitution of the United States or of this state.

**Officers.** § 2. The said board shall have power to appoint such officers as may be adjudged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bond and such security and take such oaths as may be adjudged necessary to insure the faithful performance of their respective duties; and shall have power to appropriate money and provide for the payment of the debts and expenses of the town.

To make regulations to secure the general health of the inhabitants of the town.

To declare what shall be considered a nuisance and prevent and remove the same.

**Streets.** To open, establish, alter, abolish, widen, extend, grade or otherwise improve and keep in repair the streets, alleys and lanes of the said town.

To provide for the erection of all needful buildings for the use of said town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town.

**License.** To license, tax and regulate auctioneers, peddlers, theatrical and other exhibitions, shows and amusements.

To license, tax, regulate, suppress and prohibit the selling and traffic in spirituous, vinous and malt liquors.

To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses.

**Fires.** To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

To regulate partition fences and provide for the inspection of hay, corn, wheat, oats and stone coal, and for the measurement of wood and fuel to be used in said town.

To regulate the election of town officers, to define their duties, and to provide for the removal of any person holding an office under the ordinances. Officers.

To fix the fees and compensation of all town officers, jurors, witnesses and others, for services rendered under this act or any ordinance.

To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Fines.

To prevent the incumbering of the streets, squares, lanes, alleys and crossings of said town, to protect shade trees.

To compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or uninclosed lot.

To prevent the running at large of mischievous or diseased animals, and to impose penalties upon the owners of such animals for the violation of any ordinance in relation thereto.

To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance. Animals.

To prevent the firing of guns and other combustibles or firearms within the limits of said town.

To prevent and restrain loud, unbecoming, profane or indecent language or other disorderly conduct in said town.

## ARTICLE VI.

§ 1. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into effect and executing the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state and of the United States. The style of the ordinances of the town shall be: "Be it ordained by the President and Trustees of the town of Illinoistown." And all ordinances, within one month after they are passed, shall be published in a newspaper printed in said town, or if no newspaper is printed in said town, by posting copies of the same in four public places in said town; and the certificate of the publisher of said newspaper, or of the clerk of the board under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as afore-said. Ordinances.

§ 2. All ordinances may be proven by the seal of the town, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority Proof.

of the corporation, the same shall be received as evidence in all courts and places, without further proof.

President.

§ 3. The president of the board shall preside at all meetings of the board, when present, and in case of his absence at any meeting, the board may elect a temporary chairman; he shall at all times be vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinates and cause negligence and willful violation of the laws to be punished; he shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of a riot, to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance; and any person who shall refuse to obey or fail to obey such call shall forfeit and pay the said corporation five dollars.

Sidewalks.

§ 4. The president and trustees shall have power, by ordinance, to make pavements or sidewalks in said town as to them may seem needful: *Provided, always*, that the lot in front of which any sidewalk is made shall be taxed at least to pay one-half the expenses of making said sidewalks; the said tax to be collected as other taxes are collected by the provisions of this act, or as may be prescribed by ordinance.

Street labor.

§ 5. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, shall have power to require every able bodied male inhabitant of said town, over the age of twenty-one years and under fifty, to labor on said streets, alleys, lanes, avenues and highways, not less than two nor more than five days in each year; and every person refusing or failing to perform such road labor after being notified as may be provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected or refused.

Exemption.

§ 5. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax levied by the authority of the county court, and the entire jurisdiction of the roads, highways and bridges in said town shall be held and exercised by the president and trustees as aforesaid.

## ARTICLE VII.

Writs.

§ 1. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt before the police magistrate of said town. Changes of venue, appeals and writs of *certiorari* shall be allowed in such cases as in like cases before justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary to execute a bond in the name of said corporation in the form now prescribed by law in other cases, without



other security, and an order entered on the records of said corporation directing said appeal, shall be sufficient evidence of the authority of the said secretary to sign said bond.

§ 2. All suits for fines and penalties and for the violation of any ordinance shall be in the name of Illinoistown, and the said corporation shall have power to regulate by ordinance, the form of the first and of any subsequent process and the mode of executing the same. Suits.

§ 3. All the proceedings shall be had in reference to the delinquent tax list as are now or shall hereafter be required by the state revenue laws for the collection of state and county taxes, and the collector shall give due notice by publication in some newspaper published in said town, or if no newspaper is published in said town, then in some newspaper published in the city of Belleville, and make application to the county court of Saint Clair county for a judgment against said delinquent lands or lots, and the said county court shall have jurisdiction over the same; the sale of said lands and lots shall be within the corporate limits of said town, and the collector shall have full authority and power to make and execute all deeds and conveyances under this act when thereunto directed by said board of trustees. Delinquent tax list.

§ 4. That when any town lot or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed at any time within two years from the date of such sale by the owner or owners of said property or his, her or their agent, attorney, executor, administrator or other representative paying to the treasurer of said town the amount of redemption money required by law, in the same manner as now provided or may be provided by redemption under sales held for taxes under the revenue laws, and the same rights shall be secured to minors, *femme coverts*, etc., as is now provided by law. Redemption.

## ARTICLE VIII.

§ 1. For the purpose of carrying this act into effect Joseph Griffith, William F. Lee, J. W. Taylor and W. J. Enfield are hereby appointed corporate trustees, and any failure to hold the first election under this act at the specified time, shall not work a forfeiture thereof, but the said election may be held at any time, by the legal voters giving ten days' public notice of the same. Trustees.

§ 2. The qualified voters within the corporation hereby created shall vote, on the first Monday in March next, for or against being incorporated under this act, and if a majority of all the votes cast at said election are in favor of being incorporated, then this act shall be in full force, otherwise, to be of no force. Election.

APPROVED February 19, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the town of Kansas.

ARTICLE I—*Of the Incorporation.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants in the town of Kansas, in the county of Edgar, and the state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "Town of Kansas;" and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

Name and style

Boundaries.

§ 2. The boundaries of said town shall include within their limits all of that district of country known as follows, viz: The east half of the southeast quarter of section twenty-two; the southwest quarter and the west half of the southeast quarter of section twenty-three; the west half of the northeast quarter and the northwest quarter of section twenty-six; and the east half of the northeast quarter of section twenty-seven; all in township thirteen north, of range fourteen west of the second principal meridian.

Additions.

§ 3. Whenever any tract of land adjoining the town of Kansas shall be laid off into lots and recorded according to law, the same shall be annexed to and form a part of the town of Kansas.

General corporate powers.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law or [equity,] and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town; and to purchase, receive and hold property, real, beyond the limits of said town, for burial grounds for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of said town, and to do all other things in relation thereto as natural persons.

ARTICLE II—*Of the Town Council.*

Council.

§ 1. There shall be a town council, to consist of a president and four trustees, to be chosen annually by the qualified voters of said town.

§ 2. No person shall be a member of the town council unless he shall be at the time of, and shall have been six months immediately preceding his election a resident of the town, and shall be at the time of his election twenty-one years of age and a citizen of the United States.

Vacancy in the office.

§ 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

§ 4. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such fines and penalties as may be prescribed by ordinance. Quorum.

§ 6. The town council shall have power to determine the rule of its proceedings, and to punish its members for disorderly conduct in such manner as may be prescribed by ordinance.

§ 7. The town council shall keep a journal of its proceedings, and from time to time, publish the same. Journal.

§ 8. No member of the town council shall, during the term of his office, be appointed to any office under the authority of the council.

§ 9. All vacancies that occur in the town council shall be filled by election.

§ 10. Each member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability. Oath.

§ 11. Whenever there shall be a tie in the election of members of the town council the judges of election shall certify the same to the police magistrate, who shall determine the same by lot in such manner as may be prescribed by ordinance.

§ 12. There shall be four stated or regular meetings of the town council in each year, at such times and places as may be prescribed by ordinance. Stated meeting

### ARTICLE III—Of Police Magistrate and Town Constable.

§ 1. There shall be elected in the town of Kansas by the qualified voters thereof, on the first Monday of April, 1859, and on the first Monday of April every four years thereafter, a police magistrate, who shall hold his office for four years, and until his successor is elected and qualified. Police magistrate.

§ 2. There shall also be elected by the qualified voters of said town, on said first Monday in April, 1859, and on the first Monday of April every two years thereafter, a town constable, who shall hold his office for two years, and until his successor shall be elected and qualified. Town constable.

§ 3. No person shall be eligible to the office of police magistrate, or to the office of town constable, who shall not have been a resident of the town for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not be a citizen of the United States. Police magistrate and the town constable.



§ 4. The election for police magistrate and town constable shall be conducted and the returns thereof made in the same manner as the election and returns of other justices of the peace and constables: *Provided*, such election shall be held at the same time and shall be conducted by the same judges as the election for members of the town council.

Police magis-  
trate commis-  
sioned.

§ 5. The police magistrate shall be commissioned by the governor of the state of Illinois, as a justice of the peace, and as such shall give bond and take and subscribe the same oath of office as other justices of the peace, and shall be a conservator of the peace for the said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and to certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Fees.

§ 6. The town coastable shall have such power and authority, and he shall be entitled to such fees, and placed under such bonds for the faithful performance of the duties of his office as may be prescribed by the ordinances of the incorporation hereby created.

§ 7. In case the police magistrate shall, at any time, be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Edgar county, and on conviction shall be fined in any sum not exceeding two hundred dollars and be removed from office.

#### ARTICLE IV—Of Elections

Annual elec-  
tion.

§ 1. On the first Monday in April next, an election shall be held in said town for the president and four members of the town council, and forever thereafter, on the first Monday in April in each year, there shall be an election held for said officers.

§ 2. The first election shall be held, conducted and returns thereof made, as may be provided by ordinance, by the present president and trustees of the town of Kansas; and all succeeding elections as may be provided by ordinance by the town council by this act created.

Election pre-  
cinct.

§ 3. For the election of town officers the town of Kansas, as herein described, is hereby declared an election precinct. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town for three months next preceding any election for said town officers, shall be entitled to vote at such election.

## ARTICLE V—*Of the Legislative Powers of the Council.*

§ 1. The town council shall have power and authority **Taxes.** to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half per centum per annum upon the assessed value thereof, and may enforce the payment of the same in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, supervisor of streets, and such **Appointed officers.** other officers as may be necessary, and to require of all officers appointed in pursuance of this charter bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient.

§ 3. Also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the town.

§ 5. To make regulations to secure the general health **Health ordinances.** of the inhabitants of the town, and to declare what shall be a nuisance, and to prevent or remove the same.

§ 6. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

§ 7. To open, alter, abolish, extend, grade, pave or otherwise improve and keep in repair the streets and alleys of said town.

§ 8. To erect and keep in repair bridges.

§ 9. To erect market houses; to establish markets and **Markets, &c.** market places, and to provide for the government and regulation thereof.

§ 10. To provide for the inclosing, improving and regulating all public grounds belonging to the town.

§ 11. To license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers.

§ 12. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

§ 13. To prohibit and suppress tippling houses, dram **Tippling houses.** shops, gaming houses, bawdy houses and other disorderly houses.

§ 14. To provide for the prevention and extinguishment of fires, and to organize and regulate fire companies.

§ 15. To regulate the fixing of chimneys, flues, stoves and stove pipes.

§ 16. To regulate the storage of tar, pitch, gunpowder and other combustible materials.

§ 17. To provide for taking enumerations of the inhabitants of the town.

§ 18. To regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance.

§ 19. To fix the compensation of town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance: *Provided*, that in no case shall any member of the town council receive more than ——— dollars for one year's services, except the president, who shall in no case receive more than ——— dollars for one year's services.

Police.

§ 20. To regulate the police of the town; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance.

§ 21. The town council shall have power, within the limits of the town, to prohibit and suppress billiard tables and lotteries.

§ 22. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all of the powers specified in this act, so that such ordinances are not repugnant to nor inconsistent with the constitution of this state, or of the United States.

§ 23. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Kansas.*"

Publication of ordinances.

§ 24. All ordinances passed by the town council shall, within one month after they have been passed, be published in some newspaper published in said town, or in some other way, to be provided by ordinance; in case no newspaper is published in the town, and shall not be in force until they have been published as aforesaid.

Corporate seal.

§ 25. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in pamphlet or book form, and purporting to be printed or published by the authority of the town council, the same shall be received in evidence in all courts and places without further proof.

## ARTICLE VI—Of the President.

§ 1. The president shall preside at all meetings of the town council, and shall have a casting vote and no other, and in case of his nonattendance at any meeting the council shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The president, or any two members of the council, may call special meetings of the town council.

President's duties.

§ 3. The president is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one



years, to aid in enforcing the laws and ordinances thereof, and any person who shall not obey such call shall forfeit and pay for the use of said town any sum not exceeding ten dollars.

§ 4. He shall have power, whenever he may deem it necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

#### ARTICLE VII—*Of Proceedings in Special Cases.*

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation cannot be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of the town. Opening streets  
&c.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for the opening or altering the same, but no compensation shall be allowed to such owners for their property taken. Damages in the  
opening of the  
streets, &c.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening or altering any street or alley, shall first be sworn to that effect, and shall return to the police magistrate their inquest, in writing, signed by each juror: *Provided, always*, in the assessment of such damages the jury shall take into consideration the benefits as well as injury happening to the owner of property proposed to be taken for opening or altering a street or alley by such opening or altering.

§ 4. The police magistrate shall have power, for good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set aside the same and cause a new inquest to be made. Police magis-  
trates.

§ 5. The town council shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley, according to the respective fronts owned by them, for the purpose of paving, grading, or otherwise constructing or repairing the sidewalks on said street or alley.

#### ARTICLE VIII—*Miscellaneous Provisions.*

§ 1. The inhabitants of the town of Kansas are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure laborers to work on the same.

Labor on the  
streets.

§ 2. The town council shall have power, and it is hereby made their duty, when it may be necessary, for the purpose of keeping in repair the streets and alleys of said town, to require every able bodied male inhabitant of said town, over twenty-one years of age, and under fifty, to labor on said streets and alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the supervisor of said town, shall forfeit and pay to said town any sum that may be prescribed by ordinance, not exceeding one dollar and fifty cents for every day so neglected or refused.

§ 3. The town council shall have the power to provide for the punishment of offenders against the ordinances of the town, by imprisonment in any secure place for a period not exceeding thirty days for any one offence, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Kansas shall remain in force until the same shall have been repealed by the town council hereby created.

Suits at law.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced or prosecuted in the name of the town of Kansas.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Kansas, shall be vested in and prosecuted by the corporation hereby created.

Public property.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Kansas, for the use of the inhabitants of said town, shall be and the same are hereby declared vested in the corporation hereby created.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Kansas, nor divest them of any rights which have accrued to them prior to the passage of this act.

§ 10. The president and trustees of the town of Kansas shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the town of Kansas, and issue their proclamation for the election of officers, and cause the same to be posted up in five of the most public places in said town two weeks prior to the day of election of such officers.

Appeals in suits

§ 11. Appeals shall be allowed in all cases arising under the provisions of this act or of any ordinance passed in

pursuance of this act, to the circuit court of Edgar county; and every such appeal shall be taken and granted in the same manner and with the same effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state.

§ 12. Whenever the police magistrate or town constable shall remove from the town, resign or die, or his office shall be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election.

§ 13. In all cases arising under the ordinances of said town, change of venue shall be allowed from the police magistrate to the nearest justice of the peace, to be applied for in the same manner and granted on the same conditions and in the same manner as the changes of venue from justices of the peace now are. Change of venue.

§ 14. The town constable or any other officer authorized to execute writs or other process issued by the police magistrate, shall have power to execute the same anywhere within the limits of Edgar county, and shall be entitled to the same fees as other constables in like cases. Execution of writs.

§ 15. This act may be read in evidence in all courts of law and equity in this state, without proof.

§ 16. The president and trustees of the town of Kansas shall cause an election to be held in said town, on the first Monday of March next, at which the inhabitants residing within the limits of said town, who are authorized to vote for state officers, shall vote for or against this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall immediately take effect as a law, but if a majority of the votes shall be against the adoption of said charter, then this act to be of no effect. Adoption of the charter.

APPROVED February 24, 1859.

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AN ACT to amend an act entitled "An act to incorporate the town of Lewis town," approved February 16, 1857. In force Feb'y 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the last clause of the second section of the first article of the act entitled "An act to incorporate the town of Lewistown," approved February 16, 1857, shall be taken and held to mean that the town council of said town have power to extend the limits of said town, by ordinance, so as to include in said town a square tract of country, not more than one mile east, and one mile west, and one mile north, and one mile south, from the court house in said town, that is to say, not to include more than two miles square, taking said Limits.



court house as a centre point. And any extension of the limits of said town, by the town council thereof, within the meaning of this section, since the said act to which this is an amendment took effect, is hereby ratified and declared in full force.

Police justice.

§ 2. In case of the sickness, absence or death of the police justice of said town, any justice of the peace residing within the town limits shall have jurisdiction of all cases arising under the ordinances of the corporation; and who shall be entitled to the like fees for his services. Such sickness, absence or death of the police justice may be shown by affidavit filed with such other justice of the peace, at the time of instituting proceedings before him.

Ordinances.

§ 3. In addition to the authority conferred by the act to which this is an amendment, the town council of said town of Lewistown shall have power to make and enforce all ordinances necessary and proper for maintaining and regulating good order and peace in said town, for the punishment of drunkenness, or disorderly or indecent conduct in said town; for preserving, protecting and keeping clean and passable the side-walks, cross-walks and pavements of said town; and for the regulation and cleanliness of the streets, public squares and grounds of said town; so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States nor of this state.

Publication.

§ 4. In cases where the publication of the ordinances passed by the town council is required by the act to which this is an amendment, to be made by insertion in some newspaper published in said town, one insertion in such newspaper shall be a sufficient publication thereof, and it shall be competent to prove such publication, in all courts and places, either by the printer's certificate, as in other cases, or by parol.

§ 5. All ordinances passed by the town council of said town are hereby affirmed and shall remain in force, except as the same may be modified, amended or repealed by said council.

§ 6. This act is hereby declared a public act, and may be used in evidence in all courts of law and equity in this state, without proof.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1859.

## AN ACT to incorporate the town of Liverpool.

In force Feb'y  
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Liverpool, in the county of Fulton and state of Illinois, is hereby declared to be a body corporate, by the name and style of "The town of Liverpool," and by that name shall have and exercise all powers usual or necessary for municipal purposes.

Body corpo-  
rate.

§ 2. The boundaries of said town shall be the same as now fixed by the inhabitants of said town, under the organization now existing under the general law, with the right to the town council, created by this act, to increase the same to any extent, not exceeding the limits of the island on which the said town is situated.

Boundaries.

§ 3. The said town of Liverpool is hereby invested with all the powers, rights, privileges and immunities, made subject to all the liabilities, and entitled to and be conducted in conformity with all the provisions of an act entitled "An act to incorporate the town of Lewistown," approved February 16, 1857, and an amendatory act thereto, passed at the present session of the general assembly, so far as the same can be made applicable to said town of Liverpool, and not herein otherwise provided.

Powers.

§ 4. The incorporation of the said town of Liverpool, under the general law, heretofore made, is hereby declared valid, and all ordinances enacted by the trustees thereof are declared to be in full force until repealed or amended by the town council, so far as the same are not inconsistent with the constitution of the United States or this state, or the laws thereof.

Incorporation  
legalized.

§ 5. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Liverpool shall be vested in the town corporation hereby created, and all suits now pending shall be prosecuted in the name of the corporation as commenced, by the town corporation hereby created. All property belonging to the president and trustees of the town of Liverpool, is hereby vested in the corporation hereby created.

Actions.

§ 6. The first election for officers, under this act, shall take place on the first Monday of April, 1859, and the notices for the election of officers shall be by posting up notices in five of the most public places in said town, until a newspaper may be printed therein.

Election.

§ 7. This act shall be deemed a public act, and read in evidence without proof, and shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y  
24, 1854.

AN ACT to incorporate the town of Mattoon.

Body corpo-  
rate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Mattoon, in the county of Coles and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Mattoon," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries.

§ 2. The boundaries of said town shall include within their limits all of that district of country known as the north half and the north half of the south half, and the southwest quarter of the southwest quarter of section thirteen, all of section fourteen, all in township twelve north, range seven east of the third principal meridian.

Additions.

§ 3. Whenever any tract of land adjoining the town of Mattoon shall be laid off into town lots, and recorded according to law, the same shall be annexed to and form a part of the town of Mattoon.

Powers.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town, and to purchase, receive and hold property, real, beyond the limits of said town, for cemetery grounds for the use of the inhabitants of said town and to sell, lease, convey and improve property, real and personal, for the benefit of the said town, and to do all other things in relation thereto as natural persons.

ARTICLE II—*Of the Town Council.*

Council.

§ 1. There shall be a town council, to consist of a president and four trustees, to be chosen annually by the qualified voters of the said town.

Eligibility.

§ 2. No person shall be a member of the town council unless he shall be at the time of and shall have been six months immediately preceding his election a resident of the town, and shall be, at the time of his election, twenty-one years of age and a citizen of the United States.

Removal.

§ 3. If any member of the town council shall, during the term of his office, remove from the town his office shall thereby be vacated.

§ 4. The town council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections.

Quorum.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent mem-



bers, under such fines and penalties as may be prescribed by ordinance.

§ 6. The town council shall have power to determine Rules. the rules of its proceedings, and punish its members for disorderly conduct, in such manner as may be prescribed by ordinance.

§ 7. The town council shall keep a journal of its pro- Journal. ceedings and, from time to time, publish the same.

§ 8. No member of the town council, during the term of his office, shall be appointed to any office under the authority of the council, nor make any contract with said council.

§ 9. All vacancies that shall occur in the town council Vacancies. shall be filled by election.

§ 10. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and this state, and that he will well and truly perform the duties of his office to the best of his ability. Oath.

§ 11. Whenever there shall be a tie in the election of Tie. members of the council, the judges of election shall certify the same to the police justice, who shall determine the same, by lot, in such manner as may be prescribed by ordinance.

§ 12. There shall be one stated meeting in each month Meeting. of the year of the town council, at such time and place as may be prescribed by ordinance.

### ARTICLE III.

§ 1. There shall be elected in the town of Mattoon, by the qualified voters thereof, on the first Monday of April, 1859, and on the first Monday of April, biennially, forever thereafter, a police justice and a town constable, who shall hold their offices for two years and until their successors shall be elected and qualified. Police justice and town constable.

§ 2. No person shall be eligible to the office of police justice, or to the office of town constable who shall not have been a resident of the town for one year next preceding his election, or who shall not be a citizen of the United States. Eligibility.

§ 3. For the election of a president and four trustees, a police justice and a town constable, the town of Mattoon is hereby declared an elective precinct, and such election shall be conducted and the returns thereof made in the same manner as the election and returns of all other officers under the constitution of the state of Illinois.

§ 4. The police justice shall be commissioned by the governor of the state of Illinois, as a justice of the peace, and as such shall give bond and take and subscribe the same oath of office as other justices of the peace, and as such shall be a conservator of the peace for the said town, and shall have power and authority to administer oaths, issue Commission.

Proviso.

Proviso.

Powers.

Indictment.

writs and processes, to take depositions and acknowledgment of deeds, mortgages and other instruments of writing, and certify the same as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by the law governing justices of the peace, a change of venue shall be granted, in all cases, from the police justice of said town to the nearest justice of the peace, who is hereby invested, in such cases, with all the authority of the police magistrate, and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of Coles county be invested with the powers conferred upon the police magistrate by the provisions of this act.

§ 5. The town constable shall have such power and authority and be entitled to such fees and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinance of the corporation hereby created.

§ 6. In case the police justice shall at any time be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office he shall be liable to be indicted in the circuit court of Coles county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars, and removed from office.

#### ARTICLE IV—Of Elections.

Election.

§ 1. On the first Monday of April next an election shall be held in said town for the president and four members of the town council, and forever thereafter, on the first Monday of April of each year there shall be an election held for said officers. The first election shall be held, conducted and returns thereof made, as may be provided by ordinance by the present president and trustees of the town of Mattoor and all succeeding elections as may be provided by ordinance of the town council by this act created.

Votes.

§ 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town ninety days next preceding said election, shall be entitled to vote for said officers.

ARTICLE V—*Of the Legislative Powers of the Council.*

§ 1. The town council shall have power and authority **Taxes.** to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half per centum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state; and the town council is hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon, as also for the sale and conveyance of all real estate, for the taxes due thereon, in such manner as may be prescribed by ordinance: *Provided*, said ordinances are not inconsistent with the constitution of the United States or this state.

§ 2. The town council shall have power to appoint a **Officers.** clerk, treasurer, assessor, and supervisor of streets, and all such other officers as may be necessary, and prescribe their duties, and to require of all officers appointed in pursuance of this charter bonds, with such penalties and security for the faithful performance of their duties as may be deemed expedient.

§ 3. Also, to require all officers appointed as aforesaid **Oath.** to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

§ 4. To appropriate money, and provide for the pay- **Appropriations** ment of the debts and expenses of the town.

§ 5. To make regulations to secure the general health **Health.** of the inhabitants of the town; to prevent the introduction and spread of contagious diseases; and determine what shall be a nuisance, and provide for the punishment, removal and abatement of the same.

§ 6. To provide the town with water; to sink and keep **Water.** in repair wells and pumps in the streets, for the convenience of the inhabitants.

§ 7. To open, alter, extend, grade, pave or otherwise **Streets, &c.** improve and keep in repair streets and alleys, and remove obstructions therefrom.

§ 8. To erect and keep in repair bridges.

§ 9. To erect market houses, to establish markets and **Markets.** market places, and to provide for the government and regulation thereof.

§ 10. To provide for inclosing, improving and regulating all public grounds belonging to the town.

§ 11. To license, tax and regulate auctioneers, hawkers, **License.** teamsters, brokers, draymen and pawnbrokers.

§ 12. To license, tax, regulate and suppress theatrical and other exhibitions, ball alleys, billiard tables, lotteries, shows and amusements.



- Groceries, &c. § 13. To prohibit the sale of ardent spirits, and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses: *Provided*, the town council shall have power to license and regulate the sale of spirituous liquors, in case a majority of the voters of said town shall, at any regular election for town officers, vote in favor of the same.
- Fires. § 14. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies.
- § 15. To regulate the fixing of chimneys and the flues thereof.
- Combustibles. § 16. To regulate the storage of tar, pitch, rosin, gunpowder and other combustible materials.
- Census. § 17. To provide for taking enumerations of the inhabitants of the town.
- Elections. § 18. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance.
- Fees. § 19. To fix the compensation of town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance: *Provided*, that in no case shall any member of the town council receive any compensation for their services; but shall be exempt from road labor and serving on juries.
- Police. § 20. To organize and regulate the police of the town to impose fines, forfeitures and penalties for the breach of any ordinance, for the recovering and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance.
- Proviso. § 21. The town council shall have power to erect within the town of Mattoon a calaboose for the confinement and punishment of persons guilty of violation of the ordinance of the corporation hereby created.
- Railroad crossings. § 22. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys, when the town council shall deem necessary; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage, and to regulate the speed of locomotive engine within the town limits.
- Ordinances. § 23. The town council shall have power to make and enforce all ordinances necessary to preserve good government, order and harmony in said town, and punish offenders by fine or imprisonment in the town calaboose, or both or by work on the streets in said town, at the rate of one dollar per day in all cases where such offender shall fail or refuse to pay the fines and forfeitures which may be recovered against them: *Provided*, that such ordinances are not
- Proviso.

inconsistent with the constitution of the United States or this state.

§ 24. All ordinances passed by the town council shall, Publication.  
within one month after they shall have been passed, be published in some newspaper published in the town, or in some other way, to be provided by ordinance, in case no newspaper is published in the town, and shall not be in force until they shall have been published as aforesaid.

§ 25. The style of the ordinances of the town shall be :  
“*Be it ordained by the town council of the town of Mattoon.*” Style,

§ 26. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in Proof.  
book and pamphlet form, and purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

#### ARTICLE VI.—*Of the President.*

§ 1. The president shall preside at all meetings of the President.  
town council, and shall have the casting vote and no other. In any case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The president, or any two members of the council, Special meet-  
ings  
may call special meetings of the town council.

§ 3. The president shall be active and vigilant in enforcing the law and ordinances for the government of the town. He shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violation of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof, and any person who shall not obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

§ 4. He shall have power, whenever he may deem it Exhibit.  
necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

#### ARTICLE VII.—*Of Proceedings in Special Cases.*

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owner of such property, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation can not be agreed upon, the police justice shall cause the same to be ascertained by a jury of six disinterested freeholders of the town. Opening  
streets

Petition.

§ 2. When all the owners of property on a street or alley proposed to be opened or altered shall petition therefor, the town council shall provide for the opening or altering the same, but no compensation shall be allowed to such owners for their property so taken.

Jurors.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for the opening or altering any street or alley, shall first be sworn to that effect, and shall return to the police justice their inquest, in writing, signed by each juror: *Provided, always*, in the assessment of such damages, they, the jury, shall take into consideration the benefits as well as injury happening to the owner of property proposed to be taken for opening or altering a street or alley by such opening or altering.

Special tax.

§ 4. The town council shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley, according to the respective fronts owned by them, for the purpose of paving and grading the side-walks of said street or alley.

## ARTICLE VIII.

Exemption.

§ 1. The inhabitants of the town of Mattoon are hereby exempted from working on any road beyond the limits of town, and from paying any tax to procure laborers to work on the same.

Street labor.

§ 2. The town council shall have power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said town to require every able bodied male inhabitant of said town over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three days in each year: and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay the sum of one dollar to said town for each day so neglected or refused.

Annual statements.

§ 3. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

Ordinances.

§ 4. All ordinances and resolutions passed by the president and trustees of the town of Mattoon shall remain in force until the same shall have been repealed by the town council hereby created.

Suits.

§ 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Mattoon.

Actions accrued.

§ 6. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town



Mattoon, shall be vested in and prosecuted by the corporation hereby created.

§ 7. All property, real and personal, heretofore belonging to the president and trustees of the town of Mattoon, for the use of the inhabitants of said town, shall be and the same are hereby declared to be vested in the corporation hereby created. Property.

§ 8. This charter shall not invalidate any act done by the president and trustees of the town of Mattoon, nor divest them of any rights which have accrued to them prior to the passage of this act.

§ 9. The president and trustees of the town of Mattoon shall, immediately after the passage of this act, take measures to promulgate this law within the corporate limits of the town of Mattoon, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers of said town, two weeks in succession, prior to the day of election of such officers. Proclamations.

§ 10. Appeals shall be allowed in all cases arising under the provisions of this act or of any ordinance passed in pursuance of this act, to the circuit court of Coles county, and every appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court, in similar cases, under the laws of this state. Appeals.

§ 11. Whenever the police justice or town constable shall remove from the town, resign or die, or his office shall be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election. Vacancy.

§ 12. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

§ 13. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed. Repeal.

§ 14. The town constable or any other officer authorized to execute writs or other processes issued by the police justices, shall have power to execute the same anywhere in Coles county, and shall be entitled to the same fees as other constables are in like cases. Writs

§ 15. The corporation hereby created shall include the south half of sections eleven and twelve, and the north half of sections twenty-three and twenty-four, and the south half of the southeast quarter, and the southeast quarter of the southwest quarter of section thirteen, all in town 12 north, range seven east: *Provided*, the town council shall have no power to assess or collect taxes assessed outside of the limits of said town, and residing within the boundaries above described, without the consent of the majority of the voters thereof. Addition.  
Proviso.

- Acts legalized. § 16. All the former acts of the president and board of trustees of the town of Mattoon are hereby legalized.
- § 17. This act to take effect from and after its passage.
- APPROVED February 22, 1859.
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In force Feb'y AN ACT entitled "An act to amend the charter of the town of Mascoutah, in St. Clair county," approved February 4th, 1857.

Justice of the peace. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the citizens of the town of Mascoutah, in the county of St. Clair and state of Illinois, be and they are hereby authorized and empowered, at their next regular election, in April, 1859, for town trustees, and at the regular election for town trustees every four years thereafter, to elect a town justice of the peace, who shall be similarly qualified and have the same jurisdiction and authority as a precinct justice of the peace.

Jurisdiction. § 2. That the constable annually appointed by said board of trustees, shall have the [same] jurisdiction as any other precinct constable in Illinois.

Limits. § 3. That the corporate limits of the town of Mascoutah shall embrace one mile square, as surveyed out and marked by the county surveyor in A. D. 1857, having the centre of Mill street, ranging with Schmahl street, as the centre of said mile square, and also the several additions, as laid out and recorded in said town: *Provided*, the qualified voters of said town, at the next or any subsequent town trustees' election, shall give a majority in favor of said last section, or proposition to extend the said limits of said town of Mascoutah.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

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In force Feb'y  
19, 1859.

AN ACT to repeal the charter of the town of McHenry.

Repeal. SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the town of McHenry," approved February 15th, 1853, be and the same is hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

## AN ACT to incorporate the town of Mendota.

In force Feb'y  
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Mendota, in the county of La Salle and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Mendota," and by that name and style shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested and by whom its affairs shall be managed. Style..

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; and purchase, receive and hold property, real or personal, within or beyond the limits of said town, for burial grounds and for other public purposes, for the use of the inhabitants of said town; and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property and to do all things in relation thereto as natural persons. General privi-  
leges.

§ 3. All that territory embraced within the following limits, to wit: all of section thirty-three and the east five hundred feet of the southeast quarter of section thirty-two, in township thirty-six north, and range one east of the third principal meridian, in the county of La Salle and state of Illinois, and all tracts of land adjoining and adjacent to the above, which are now laid off into town lots as additions to the town of Mendota and duly recorded as such, according to law, shall be and the same is hereby declared to be within the incorporated limits of the town of Mendota. And whenever any tract of land adjoining the incorporated town of Mendota, shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form a part of the incorporated town of Mendota. Boundaries.

§ 4. The present president and trustees of said town, as at present incorporated under the general act of incorporation, are hereby appointed trustees of said town, and shall hold their office until the first Monday of April next and until their successors are elected and qualified; and on the first Monday of April next or within ten days thereafter, and on the first Monday of April of every year thereafter, an election shall be held for five trustees of said town, who shall hold their office for one year and until their successors are elected and qualified; and ten days' public notice of the time and place of holding any election for trustees shall be given by the president and trustees or by their clerk, by advertising in any weekly paper published in said town or by posting up notices in three of the most public places in said town. No person shall be elected a trustee of said town President and  
trustees.



who shall not be qualified to vote for state and county officers, and who shall not have been for one year previous to such election a resident and *bona fide* freeholder within the incorporated limits of said town.

Elections.

§ 5. That at any election for trustees every person who shall be qualified to vote for state officers and who shall have had a residence within the limits of said corporation for six months previous to such election, may enjoy the right of an elector.

Officers of the board.

§ 6. That the trustees shall elect one of their number president and shall be judges of the elections, qualifications and returns of their own members; a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and by vote of three-fifths of the whole number elected expel a member, and make such other rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancies in the board of trustees occasioned by death, resignation, removal or continued absence from town for three months, or otherwise.

§ 7. The president and trustees of said town shall have power—

Streets

*First.*—To cause all streets and alleys and public lands within the limits of said town to be kept in good repair, and to this end they shall require every male resident of said town, over the age of twenty-one years and undersixty years, to labor on the same not exceeding three days in each and every year, and if such labor be insufficient for that purpose, to appropriate so much from the general funds of the corporation as they shall deem necessary therefor.

*Second.*—To open, alter, vacate, widen, extend, establish, grade, pave and otherwise improve any streets, avenues, lanes, alleys and public roads within the limits of said town.

*Third.*—To establish crossings on railroads within the corporate limits, and make the necessary rules and regulations for keeping the same unobstructed.

Sidewalks and pavements.

*Fourth.*—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts, and until the said president and trustees shall provide by ordinance, for the levying and collecting of said tax they shall enter upon the records of the corporation, whenever they shall desire to collect such tax, a resolution that such tax shall be levied and collected, and the number of the lot

or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court. It shall then be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporate taxes.

*Fifth.*—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one per cent. per annum upon the assessed value thereof, and may enforce payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide, by ordinance, for enforcing the payment thereof, they shall be collected in the manner provided by the ninth section of the act aforesaid. Taxes.

*Sixth.*—To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses or other animals. Stock.

*Seventh.*—To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance. Dogs.

*Eighth.*—To prevent horse racing or any immoderate riding or driving, within the limits of said town, of horses or other animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in such town. Racing.

*Ninth.*—To establish and maintain a public pound and appoint a pound master and prescribe his duties. Pound.

*Tenth.*—To restrain and prohibit all descriptions of gambling and fraudulent devices, and to suppress and prohibit or license and control billiard tables, ball alleys and other gaming establishments. Gaming.

*Eleventh.*—To suppress and prohibit disorderly houses and houses of ill-fame.

*Twelfth.*—To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans and exhibitions and amusements. Licenses.

*Thirteenth.*—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries or disorderly conduct, or shooting within the limits of said town. Riots.

*Fourteenth.*—To abate and remove nuisances and punish the authors thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. Nuisances.

*Fifteenth.*—To make regulations to prevent the introduction of contagious diseases into the town, and execute the

same for any distance not exceeding two miles from the limits thereof.

Combustibles. *Sixteenth.*—To regulate the storage of gunpowder and other combustible material.

Fires. *Seventeenth.*—To provide for the prevention and extinguishment of fires, and organize and establish fire companies.

Water. *Eighteenth.*—To provide the town with water for the extinguishment of fires, and for the convenience of the inhabitants.

Public grounds *Nineteenth.*—To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town.

*Twentieth.*—To provide for erecting all needful buildings for the use of said town.

Health. *Twenty-first.*—To make all necessary regulations to secure the general health of the inhabitants thereof, and for this purpose may provide, by ordinance, for the filling up or draining any lot or lots, within the corporate limits, upon which water may stand or where the ground may be low and marshy, and thereby, in the opinion of the president and trustees, endanger the health in the neighborhood of such lots; the said board may, by ordinance, provide for the entering upon such lot or lots and so drain and fill up the same and tax and collect the expense of so doing, upon such lot or lots to be so benefited, in the same manner as the tax for sidewalks is levied and collected; and for the purposes of such drainage, may enter upon lots contiguous to the same and run the drains across such contiguous lots: *Provided*, that where the owners of such contiguous lots shall claim damages, the president, on receiving notice, in writing, of such claim shall, within ten days, summon six disinterested freeholders within the corporation, who shall assess such damage, and the same shall be paid out of the funds of the corporation: *Provided*, such claim for damages shall be made within thirty days after the publication of the ordinance providing for such drainage and designating the lots across which it is to run.

Liquors. *Twenty-second.*—To license and regulate or suppress and prohibit the selling, bartering, exchanging and traffic of any wine, beer, rum, gin, brandy, whisky or other intoxicating liquors within the limits of said town; but no license for any purpose shall be granted to extend beyond the period when the successors to the board granting the same shall be elected and qualified.

Expenses. *Twenty-third.*—To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.

Ordinances. *Twenty-fourth.*—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or



expedient for the better regulating of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case, except in assaults, assaults and batteries, riots or affrays, shall any such fines or penalties exceed the sum of thirty dollars for any one offence.

§ 8. The president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute, anywhere in LaSalle county, any writ, process and precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest, on view, any and all persons who may violate the same, and to take them before any justice of the peace of said town; and to collect any fine for forfeiture and penalty which may be assessed or recovered for the use of said town: *Provided*, that any other constable may execute any process issued by any justice of the peace by virtue of this act, also to appoint a clerk, treasurer, street commissioner, board of health, and all other officers that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful discharge of their duties.

§ 9. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws in a book to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Mendota, shall be received in all courts, without further proof, as evidence of all such matters therein contained. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town or by posting up copies of the same in three public places of said town. The president and trustees shall hold twelve regular monthly meetings in each year, and shall publish the proceedings of each meeting in a newspaper printed in said town. They shall also, at the close of each fiscal year, publish a full statement of receipts and disbursements, stating, separately, each sum paid out, to whom paid and for what purpose; and, also, for receipts into the treasury, except the general tax; they shall state the items, separately, from whom received, for what purpose and the amount: *Provided*, that if no paper is published in said town, the publication may, for the time, be suspended.

§ 10. Any fine, penalty or forfeiture incurred under this act, or any by-law or ordinance made in pursuance of this act, that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace

in the corporate name; and several fines, forfeitures or penalties for breaches of the same ordinances or by-laws, not exceeding one hundred dollars, may be recovered in one suit, and the first process shall be a summons, unless oath or affirmation be made for a warrant by some credible person. But in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders in the same manner as for like offences against the laws of the state. It shall be lawful to declare generally, for debt, such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-law under which the same are claimed, and to give the special matter in evidence under the declaration; and the justice shall proceed to hear and determine the case as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures the justice shall issue his execution for the same and costs of suit, which may be levied upon any personal property of the defendant or defendants not exempt from execution. If the constable shall return upon such execution "no property found," the justice shall issue a *capias* as against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the jail of the county, to remain forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars, and so in proportion to the amount of the judgment and costs: *Provided*, that whenever the said town shall have furnished a suitable prison for securing offenders, the town prison may be substituted for the county jail: *Provided, however*, if the said president and trustees or their attorney shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property and signify the same in writing to him, he shall not issue a *capias* as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings, according to law, to such clerk, which shall be filed and recorded as in other cases; and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided, further*, an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges to all parties, as in other cases.

Execution.

Appeal.

Fees.

§ 11. The justices of the peace and constables who may render service under this act, shall be entitled to the same fees and collect them in the same manner as is or hereafter may be provided by law in other cases.

Security.

§ 12. The president and trustees shall not be required, in suits instituted under this act or ordinances passed by virtue thereof, to file, before the commencement of any such suit, any security for costs.

§ 13. All fines, forfeitures and penalties received or collected for the breach of any ordinance of this act, shall be paid into the treasury of said corporation by the officer or person receiving or collecting the same.

§ 14. The president and trustees shall provide for keeping in repair all public roads for the distance of half a mile beyond the limits of the corporation, but neither the inhabitants nor the property within the corporate limits, shall be taxed for road or bridge purposes beyond the said half mile. Roads.

§ 15. All ordinances, by-laws and resolutions passed by the president and trustees of the town of Mendota, as incorporated under the general law, and which are now in force and not inconsistent herewith, shall remain in force until the same shall be repealed by the president and trustees of the corporation created by this act.

§ 16. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued or have been commenced by the president and trustees of said town, incorporated under the general law, shall be vested in and prosecuted by the corporation hereby created. Actions.

§ 17. All property, real and personal, or any estate or interest therein, held by or belonging to the president and trustees of said town of Mendota, as incorporated under the general law, for the use of the inhabitants thereof, shall be and the same are hereby declared to be vested in the corporation hereby created. Property.

§ 18. This charter shall not invalidate any act done by the president and trustees of the town of Mendota, as at present incorporated, and all taxes assessed in favor of said corporation and which have not yet been paid into the treasury thereof shall, when collected, be paid into the treasury of the corporation hereby created. Collection of taxes.

§ 19. This act is hereby declared to be a public act and may be read in evidence in all courts of law or equity within this state, without proof.

§ 20. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to repeal an act approved February 16, 1857, entitled "An act to amend an act entitled 'an act to incorporate the town of Paris,' approved February 12, 1853, and to reduce the corporate limits of said town." In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act approved February 16th, 1857, entitled "An act to amend an act entitled 'an act to incorporate the town of Paris,' ap- Repeal.



proved February 12th, 1853, and to reduce the corporate limits of said town," be and the same is hereby repealed.

Boundaries.

§ 2. The boundaries of said town shall include within their limits all of that district of country known as section one, in township thirteen north, of range twelve, west of the second principal meridian; and, also, all such additions to said town as have been heretofore or may be hereafter laid off into town lots, and the plats thereof recorded according to law.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y  
18, 1859.

AN ACT to amend an act entitled "An act to incorporate the town of Polo."

Election.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said act be and the same is hereby amended as follows: On the second Monday of March, and annually on that day thereafter, there shall be elected in said town a president, a treasurer and six trustees, who, (except the treasurer,) shall be successors to the present board of trustees of said town. No person shall vote at said election, or any other election held under any provision of this act, or the act to which this act is an amendment, who shall not have been a resident of said town sixty days next preceding the election.

Power of the  
trustees.

§ 2. The board of trustees of said town shall have power to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance and prevent and remove the same; to provide the town with water; to dig wells, erect hydrants and pumps in the streets, for the convenience of the public; to open, alter, extend, establish, grade, plank, pave, and in any other way or manner improve and keep in repair all streets, avenues, lanes and alleys, side-walks, cross-walks, drains and sewers; to establish, erect and keep in repair bridges; to provide for the erection of all needful buildings for the use of the town; to provide for inclosing, improving and regulating all public grounds or places, within or belonging to the corporation, planting trees in the streets and public squares, for ornament or shade, and the protection of the same; to restrain and prohibit horse racing, shooting, indecent exposure of horses or persons, houses of ill-fame, gaming houses, and other disorderly houses, and intoxication, and to suppress the same; to provide for taxing, licensing and regulating theatrical or other shows or amusements, for the admission to which money or any thing is charged; to regulate and license peddlers and

auctioneers; the exclusive power to regulate, prohibit or license the selling of spirituous, vinous or malt liquors of any kind, as a beverage, within the limits of the corporation.

§ 3. To restrain and prohibit the running at large of any horses, cattle, sheep, swine, goats or dogs, within said corporate limits; to erect market houses; to establish markets and market places, and provide for the use, government and regulation thereof; to fix the rates to be charged for carriage of persons and property within the limits of the incorporation, by carriages, wagons, sleighs or drays; to provide for the preservation from and the extinguishment of fires; to establish and regulate the fire department; to regulate the storage of gunpowder and all other combustible materials; to regulate the sale of game; to regulate the speed at which railroad locomotives and cars shall be driven, or horses rode or driven through or within the limits of said incorporation; to establish and regulate the police of the town; to regulate the election of the officers of the incorporation and provide for their compensation; to provide for the inspection and weighing of hay and coal, the measurement of charcoal, fire-wood and other fuel, to be sold or used within the incorporation; to make all such ordinances, from time to time, and alter, amend or repeal the same, as shall be necessary to carry into effect and execution the powers specified in this act, so that the same be not inconsistent herewith, nor with the constitution of this state or the United States; to impose fines, forfeitures and penalties for the breach of any ordinance of the incorporation, and to provide for the recovery and appropriation of any such fine, penalty or forfeiture; to provide for the infliction of fines or penalties upon any officer of the incorporation neglecting or refusing to perform any duty or act required of such officer in this act to be done; to cause, from time to time, a census of the inhabitants of said town to be taken; to appoint an attorney and an assessor for the said incorporation, and fix the amount of their fees and compensation.

§ 4. Section six of said charter is hereby amended so Amendment.  
that it shall read as follows: That for the purpose of altering, Opening of the  
opening, extending, establishing, grading, planking, paving, streets, &c.  
and in any other way or manner improving and keeping in  
repair streets, avenues, lanes and alleys, side-walks, cross-  
walks, bridges, drains and sewers, the said board of trustees  
are authorized to require every able bodied male resident  
within the corporate limits who is not under twenty-one  
years of age and not over fifty-five, to labor on said streets or  
public roads, not less than nor more than three days in each  
and every year, as a poll tax, and any person failing to perform  
said labor, either by himself or an able bodied substitute,  
when duly notified by the street commissioner, shall forfeit  
and pay the sum of one dollar and twenty-five cents per

day for each day so neglected or refused, or they may commute for the same by paying to the trustees, through the street commissioner, the sum of one dollar for each day assessed. The said trustees may also assess a road tax upon all the taxable property within the corporation limits in the same manner and to the same extent as is now pursued to be done by the commissioners of highways and for the collection of all road taxes, commutation money and penalties. The trustees are authorized to adopt the same measures as are provided by law for the commissioners of highways so far as the same may be applicable to this act, and to make such ordinances as shall be necessary for the collection, as aforesaid, of the aforesaid tax, such ordinances being consistent with this act, and the laws and constitution of this state. They may also, on petition, grant the right of way on or over any of the public streets or grounds of the incorporation, to any railroad company asking to locate or build a road through the corporate limits, and make all needful arrangements with such company for the location of depots or stations. Said trustees may also order the construction of side-walks upon any street or part of street within the limits of the corporation: *Provided*, that the owners of lots or parts of lots in front of which such side walk is ordered shall build the same at their own expense, and such side-walks so ordered by the trustees, shall be built according to specifications by them established within a time specified by said trustees, or in case of failure or refusal so to do, the trustees shall build the same, and assess the property in front of which it is built for the amount of the cost of construction.

Proviso.

Tax.

§ 5. That the said trustees shall have power to levy and collect a tax in any one year, not to exceed one-tenth of one per cent. on all lots, improvements and personal property lying and being within the limits of said corporation upon the assessed value thereof. In making such assessment the assessor shall be governed by the laws of the state directing the assessment of property for state and county purposes for the time being, as near as may be, so as not to conflict with the provisions of this act: *Provided*, that the trustees may adopt the last assessment made under the general laws of this state. The assessor, after having made his assessment roll, shall deposit the same with the clerk of the board of trustees, who shall note thereon the time of such deposit for the inspection of any and all persons interested, for the space of ten days, posting up notices in four of the most public places in said town, that the said roll is so left for inspection, and shall, upon the lapse of said ten days, attach to said assessment roll his affidavit, stating therein the time of depositing said roll with said clerk, as aforesaid, and the time of posting said notices.

Proviso.



§ 6. It shall also be the duty of said clerk, at the time of the deposit of said assessment roll as aforesaid, or as soon thereafter as practicable, and before the posting of the notices as aforesaid, to note upon said assessment roll the respective assessments that shall have been assessed by the town upon town lots or parcels of town lots, for the construction of sidewalks in front of said town lots or parcels of town lots, which said assessment shall remain unpaid at the time of depositing said roll with said clerk as aforesaid, and shall also note the description of each lot or parcel of lot, the amount of the assessment and name of the owner, when known. The clerk shall file and carefully preserve said roll in his office; and all taxes levied upon real estate are declared to be a lien on the real estate upon which the same are assessed, from and after such roll is deposited with said clerk as aforesaid, until the same is paid. It shall be the duty of the clerk of said board of trustees, within five days thereafter, to post up notices in four of the most public places in said corporation, and also insert such notices in a newspaper, should there be one published in said town, that at a place and on a day to be therein named, not more than two weeks from the time of said depositing, as provided in the last preceding section of this act, the board of trustees will meet for the purpose of inspecting said assessment, when and where it shall be the duty of said trustees to meet and hear and investigate, under oath of the parties complaining, to be administered by the clerk of said board, any complaints that the parties complaining is charged with property that did not belong to him or her at the time the same was assessed, or that his or her property is assessed too high, and shall in all such cases so alter or amend said roll or not, as to them shall seem right: *Provided, however,* that if a regular meeting of the board of trustees will happen at any time within three weeks after the filing of said roll, then it shall not be necessary to have a special meeting convened as above, but the matters specified in this section may be acted upon at such regular meeting. Notice.

§ 7. After such assessment roll shall have been before the board for its action thereon, as above provided for, and after making such alterations thereon as they may deem necessary under the preceding section, it shall then be the duty of the board to cause a warrant to be issued under the seal of the corporation, and signed by the president and clerk of said board and directed to the town constable, with a copy of said assessment roll attached, commanding him to proceed and collect the same within ninety days after the date thereof; and in the collection thereof the said town constable is vested with the same powers, and to be exercised in all respects in the same manner as collectors of taxes are in and by the act to provide for township organization, as far as the same shall be applicable. It shall be the duty of Warrant.

the town constable to pay to the treasurer of the town all moneys collected by him, deducting his per centage from time to time, as fast as collected, and to make return in writing thereof to the clerk of the board under oath, showing first the amount of money and on what account collected by him, secondly the taxes on personal property and real estate that he cannot collect, and the reason therefor, stating, specifically, as in the warrant, and making separate return the personal and real estate upon which taxes remain unpaid.

Liability of the  
town constable.

§ 8. The town constable, with his sureties, shall be liable for all taxes that by the use of due diligence he might have collected and shall fail to do so. It shall be the duty of the clerk of the said board to file in the office of the clerk of Ogle county a copy certified under the corporate seal of the incorporation of the return of the town constable, showing the real estate upon which taxes remain unpaid, at least five days before the first day of the next term of the county court which shall be holden after the return of said warrant and filing the same in his office, and shall cause a notice of an application to be made to said county court for an order to sell the same for nonpayment of taxes, and the time and place of such order, to be published in the same manner as required by law for the real estate for the nonpayment of state and county taxes; and the county court shall thereupon proceed to dispose of the matter in the manner and is required by law in such cases. The town constable shall make the sale under the order of the county court provided for in the above section, and the clerk of the county court shall keep a record of such sale, file the same in a book to be provided for that purpose, issue certificates to the purchasers, and said officer shall in all things in and about said sale, comply, as near as may be, with the provisions of the law, for the time being, directing sales of lands for nonpayment of state and county taxes. When any real estate in said town shall be sold as herein provided for nonpayment of taxes the same shall be subject to redemption by any person interested therein, within two years after the same shall have been sold, on paying the clerk of the incorporation double the amount for which the same may have been sold, and all taxes assessed for corporate purposes, which may have been paid by the purchaser at such sale, since such sale, with legal interest thereon, from the time of such payment to the time of such redemption. And thereupon the clerk of the county court shall make out to the person so redeeming a certificate, under his hand and the seal of the said court, specifying the lands redeemed, the time of redemption, the moneys paid, and by whom, which shall be *prima facie* evidence in all courts whatsoever of the facts therein stated. The clerk shall pay such moneys to the treasurer of the town, taking his receipt therefor, and filing the same, and the treasurer shall deposit the same in

the treasury for the use of the purchaser at such sale, to be paid out to him or his assigns on demand therefor and receipt given.

§ 9. Taxes and all costs made thereon may be paid to the town constable at any time before the sale of the land for nonpayment thereof. In case any real estate sold under the provisions of this act shall be and remain unredeemed as above provided, at the expiration of two years, from the date of such sale, a deed shall be made out and signed by the president and countersigned by the clerk of the county court, under the seal of said court, and duly acknowledged by said officers, conveying the land to said purchaser or his assigns, or his or their heirs or assigns, upon proof of such notice, to the owner of the land, as is required by the constitution and laws of this state, of the sale of land for nonpayment of taxes. Lands situated in said corporation shall not be liable to be assessed for road taxes under the general laws of the state on that subject. Officers acting under this act of incorporation in the sale of lands for the nonpayment of taxes, and in all proceedings precedent and consequent to the order to sell the same, shall be entitled to the same fees as shall be allowed by law for similar services under the revenue laws of the state, and the same shall be a charge upon land taxes, and included in the order of the court directing such sale as is provided in said laws. Should the owner of any land upon which any tax is assessed under this act be unknown, he, she or they may be so described in any proceedings to assess and collect the same. The board of trustees shall have power to provide for the punishment of officers, [offenders,] by imprisonment in the county jail. In all cases where such offender shall fail or refuse to pay any fine or forfeiture recovered against him for breach of any ordinance of the town: *Provided*, such imprisonment shall not be of longer duration than twenty-four hours for every three dollars of such fine and costs. No fine for breach of any ordinance of the said town shall exceed fifty dollars, besides the costs of prosecution, including attorneys fees, to be fixed in amount by an ordinance of the board, nor shall imprisonment for like offence exceed twenty days.

Conveyance.

Imprisonment

§ 10. All actions for fines, penalties and forfeitures accruing for the breach of any ordinance of said town, shall be instituted and prosecuted in the name of the president of the town of Polo, upon complaint of any person before the corporation justice by action of debt. The ordinary process shall be by summons, but in cases where the party complaining shall state under oath that he has good reason to believe the party accused to have committed a breach of an ordinance of the corporation, and that the party accused is about to abscond or depart without the limits of the county, or has so departed or absconded, then the justice of the peace may

Actions



issue his warrant to bring the party accused forthwith before him to answer such complaint, and in that case the party accused shall remain in the custody of the officer until the suit is disposed of, and the fine and costs, if any, imposed on him or her be paid or otherwise discharged according to law, unless he shall enter into a recognizance with good security, before final judgment in the case, before the justice of the peace to the corporation in double the amount of the penalty that may be inflicted upon him or her in the suit, conditioned that he will pay the judgment and costs of that may be rendered against him therein, and in default of such bail, the officer may commit the party accused to the common jail of the county for safe keeping while the cause is not being tried. The justice of the peace shall grant but one continuance on the application of the plaintiff in the suit in cases where the accused is under arrest. The recognizance shall be filed in the office of the justice, and in case of forfeiture, shall be transmitted by him to the clerk of the board of trustees.

President.

§ 11. The president of the board of trustees shall be, *ex officio*, a member of the board of supervisors of Ogle county, and shall have the same power as any other member of the said board of supervisors, and receive the same compensation for the same services. The board of trustees are hereby authorized to appropriate a portion of the general fund to the working and repairing of any highway or bridge thereon leading into said town, at any point within one mile of the corporation limits, where they may deem it to be the interest of said town that such work or repairs shall be done or made: *Provided*, twelve freeholders, residing within the incorporation, shall, by petition, to be presented to said board, ask such appropriation, specifying the amount of such appropriation, and the place or places where the same shall be expended.

Moneys.

§ 12. All moneys arising from fines, penalties or forfeitures for the violation or breach of any of the ordinances of said town, shall be paid to the clerk of the board, said clerk giving his receipt therefor in the name of the board, and the clerk shall, within a reasonable time, pay the same to the treasurer, who shall also give his receipt therefor.

Certificate.

§ 13. The certificate of the clerk of the board of trustees, setting forth that any ordinance or by-law of said incorporation, or any notice required by the provisions of this act, has been duly posted up as required by the provisions of this act, shall be deemed *prima facie* evidence of the facts so set forth: *Provided*, such certificate of such clerk shall be appended thereunto.

§ 14. The town constable shall have the same authority and jurisdiction with constables holding office under general laws of this state.

§ 15. The board of trustees may grant license to sell spirituous or other liquors, upon the following condition: First—the applicant shall pay into the treasury of the corporation, for the privilege granted, a sum not exceeding three hundred dollars, nor less than twenty-five dollars, in the discretion of the board of trustees. Second—the applicant shall execute a bond in the penal sum of one thousand dollars, with one or more security, to be approved by the said board, conditioned that the applicant will, in all respects, keep an orderly house, and will not permit unlawful gaming or any uncivil conduct. License.

§ 16. Upon application for license, the board may reject or grant the same in their discretion; but in no case shall they grant license to more than two persons to sell spirituous liquors in more than two places in said corporation.

§ 17. Every person or corporation not having a license to do so, who shall sell, barter or exchange or otherwise dispose of any vinous, spirituous or malt liquors, in any quantity whatever, or shall permit the same to be done on his or her premises, shall forfeit and pay to the corporation the sum of ten dollars for each offence, together with costs of suit, to be recovered before the corporation justice of the peace of said corporation. Fine.

§ 18. The board of trustees may make all necessary ordinances, not inconsistent with this act and the constitution of this state, to carry into operation all the provisions of this act. Ordinances.

§ 19. So much of the act to which this is an amendment, as conflicts with this, be and hereby is repealed. Repeal.

§ 20. This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED February 18, 1859.

AN ACT to amend an act entitled "An act to extend the corporate powers of the town of Princeton." In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town council of the town of Princeton shall have power, upon the petition of the owners of two-thirds of the property fronting thereon, and without such petition by the unanimous vote of the town council, to open and lay out public grounds or squares, streets, alleys and highways or section thereof, and to alter, widen, construct, straighten, extend and discontinue the same; but no street, alley or highway or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley opening of the streets, &c.

or highway. The town council shall cause all streets, alleys and highways or public squares or grounds, laid out by them, to be surveyed, described and recorded, in a book to be kept by the clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same when opened and made shall be public highways and public squares.

Damages.

§ 2. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the town council shall give notice of their intention to appropriate and take the land necessary for the same to the owner thereof, by publishing said notice by two insertions in a weekly paper or six insertions in a daily paper published in the town of Princeton, at the expiration of which time they shall appoint three disinterested freeholders residing in the said town as commissioners to ascertain and assess the damages and recompense due the owners of said real estate, respectively. and at the same time determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate in the neighborhood of the improvement benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of the members of the town council authorized by law to be elected, shall be necessary to a choice of such commissioners. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties; they shall give at least five days personal notice of the time and place of their meeting, for the purposes of viewing the premises and making their assessments, which notice shall be given only to the owners who are residents thereof and known. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

Buildings.

§ 3. If there should be any buildings standing in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land and the actual injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

Notice.

§ 4. At least five days notice shall be given to the owner of such determination, when known, and a resident of the town, which may be given personally or in writing left at his usual place of abode. If a nonresident or unknown, like notice shall be give to all persons interested, by one publication in any newspaper published in said town. Such notice shall specify the buildings and the award of the commissioners. It shall also require the persons interested to appear by a day to be named therein, not exceeding thirty days



from the date of publication of such notice or give notice to the town council of their election, either to accept the award of the commissioners and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the town council may direct.

§ 5. If the owner refuses to take the building at its appraised value to remove or fail to give notice of his intention as aforesaid, within the time prescribed, the town council shall have the power to direct the sale of such building at public auction for cash, or on a credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner or deposited to his use. Sale of building.

§ 6: In making their assessment, the said commissioners shall ascertain the value of the land taken, and all expenses of the improvement and damages occasioned thereby, and then assess upon the property in the neighborhood benefited, in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners of property in said benefited neighborhood, respectively, and be a lien upon the property, on which it may be assessed, and collected as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him for his share of the improvement, and if more, the difference shall be paid him in money before the land is taken. Said commissioners shall particularly describe the lands and parcels on which either assessment may be made, and make a return of their proceedings and assessments to the town council within ten days after its completion. Assessments.

§ 7. The clerk shall give ten days' notice, by one publication in any newspaper published in said town, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the town council, unless objections to the same are made by some person interested. Objections may be heard before the town council, and the hearing may be adjourned from day to day. The town council shall have power, in their discretion, to alter, confirm or annul the assessments. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing the collection thereof, as other assessments in said town are collected. Notice.

§ 8. The town council shall have power to remove the commissioners, and from time to time appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve. Removal of the commissioners

§ 9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground or square, shall not be appropriated Payment.

until the damages awarded therefor to any owner thereof under this act, shall be paid or tendered to such owner or his agent, or in case such owner or agent cannot be found in the town, deposited to his, her or their credit, in some safe place of deposit, other than in the hands of the treasurer; and then and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public ground may be made and opened.

Appeal.

§ 10. Any person interested may appeal from any final order of the town council for opening, widening, altering or straightening any street, alley or other highway or public ground, to the same court or courts of Bureau county, who have by law jurisdiction in cases of appeal from decisions of justices of the peace. After the passage of said final order, said court to determine such appeal and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon trial of the appeal all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the court, or upon application of the town, or any party, the amount of damages may be assessed by a jury in said court without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the town council for any omission or informality, without injury has resulted therefrom.

Infants.

§ 11. When any owner known or other person having an interest in any real estate, residing in the town or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court, or any judge of a court of record within Bureau county, may, upon the application of the town council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summons required by this act shall be served upon such guardian, and the final determination of either the town council or court in the premises, shall be conclusive upon such infant, and the proceedings shall not be opened at any time thereafter.

Repeal.

§ 12. Sections 1, 2, 3, of article 6, and all other parts of an act entitled "An act to extend the corporate powers of the town of Princeton," conflicting herewith, are hereby repealed.

§ 13. This act shall take effect from and after its passage.  
APPROVED February 24, 1859.

AN ACT to incorporate the town of Prophetstown.

In force Feb'y  
22, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Prophetstown, in the county of Whiteside and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The town of Prophetstown," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Body corporate

§ 2. The boundaries of said town shall include within their limits all that district of country composed of the south half of the south half of section thirty-three (south of Rock river); also the east half of the southeast quarter of section thirty-two; all in township twenty (20) north, range (5) five east of the fourth principal meridian; also the north half of section four (4); also the east half of the northeast quarter of section (5) five, all in township (19) nineteen north, range (5) five east of the fourth P. M.; and the town council shall have the right to extend the limits of said town, by ordinance, so as to include the west half of the northeast quarter of section (5) in township (19) (5) east; also the west half of the southeast quarter of section (32) in township (20) north, range (5) east of the (4th) P. M.

Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said town. and to purchase, receive and hold property, real, beyond the limits of said town, for burial grounds, for the use of the inhabitants of said town, and to sell, lease, convey and improve property, real and personal, for the benefit of said town; and to do all things in relation thereto as natural persons.

General corporate powers.

## ARTICLE II.—*Of the Town Council.*

§ 1. There shall be a town council, to consist of a president and four trustees, to be chosen, annually, by the qualified voters of the said town.

Council.

§ 2. No person shall be a member of the town council unless he shall be at the time of and shall have been six months immediately preceding his election a resident of the town, a *bona fide* freeholder at the time of his election, over twenty-one years of age, and a citizen of the United States.

Eligibility.

§ 3. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby be vacated.

§ 4. The town council shall determine, by ballot, if a tie occur in elections.

Tie.



Quorum.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under fines and penalties as may be prescribed by ordinance.

§ 6. The town council shall have power to determine the rule of its proceedings, and punish its members for disorderly conduct, in such manner as may be prescribed by ordinance.

Journal.

§ 7. The town council shall keep a journal of its proceedings, and, from time to time, publish the same.

§ 8. All vacancies that shall occur in the town council shall be filled by election.

Oath.

§ 9. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States and this state, and that he will well and truly perform the duties of his office to the best of his ability.

Stated meetings.

§ 10. There shall be four stated meetings of the town council in each year, at such times and places as shall be prescribed by ordinance.

### ARTICLE III.

Police justice.

§ 1. There shall be elected in the town of Prophetstown, by the qualified voters thereof, on the first Monday of April next, and on the first Monday of April every four years thereafter, a police justice and a town constable, who shall hold their offices for four years, and until their successors shall be elected and qualified.

§ 2. No person shall be eligible to the office of police justice or to the office of town constable, who shall not have been a resident of the town for one year next preceding his election, or who shall be under the age of twenty-one years, or who shall not be a citizen of the United States.

Town constable.

§ 3. For the election of police justice and town constable the town of Prophetstown is hereby declared an election precinct, and such election shall be conducted and the returns thereof made in the same manner as the election and returns of other justices of the peace and constables: *Provided*, such elections shall be held at the same time and shall be conducted by the same judges as the election for members of the town council.

Duties of police justice.

§ 4. The police justice shall be commissioned by the governor of the state of Illinois as a justice of the peace, and as such give bond and take and subscribe the same oath of office as other justices of the peace, and as such be a conservator of the peace for the said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds,

mortgages and other instruments of writing, and certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace, in similar cases.

§ 5. The town constable shall have power and authority, and be entitled to such fees, and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the corporation hereby created; and shall have the same power and authority, in all cases arising under the laws of the state, as other constables of the county, and shall have the right to serve process, as other constables, at any place within the limits of the county of Whiteside. The jurisdiction and power hereby given and conferred to the said police justice and constable and such as has been or may be conferred by acts of the legislature on other incorporated towns and cities, and none other.

Duties of town constable.

§ 6. In case the police justice shall at any time be guilty of oppression, malconduct, partiality or palpable omission, in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Whiteside county, and, on conviction, shall be fined in a sum not exceeding two hundred dollars, and removed from office.

Indictment.

#### ARTICLE IV.—Of Elections.

§ 1. On the first Monday of April next an election shall be held in said town, for the president and four members of the town council; and forever thereafter, on the first Monday of April, of each year, there shall be an election held for said officers: *Provided*, that notice shall be given of the time and place of holding the first election under this act, by posting up written notices in three public places in said town, at least ten days: *And provided, further*, that A. J. Fuller, William T. Minchen and A. G. Porter, or any one of them, are hereby appointed to give notice of and conduct the first election to be holden under this act, and shall first be sworn, by any officer having authority to administer such oath under the statutes of this state, to faithfully discharge their duties under this law, and shall, after said election, declare, publish and make known who shall have been elected at said election, by posting up notices in three public places in said town. The returns of said election shall be made out and delivered to the clerk of the county court of Whiteside county, and filed by said clerk as a record of such election, and all subsequent elections shall be conducted as may

Annual election.

be provided by ordinance of the town council, by this act created.

Voters. § 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town six months next preceding said election, shall be entitled to vote for said officers.

### ARTICLE V.—*Legislative Powers.*

Taxes. § 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one-half per centum, per annum, upon the assessed value thereof, on all lots and improvements, real and personal property, and to tax public shows and houses of public entertainment, taverns, stores and groceries, for the purpose of creating revenue to carry out the provisions of this act, and to perform such other works of public utility, as the interest and convenience of the inhabitants of said town may require, and circumstances render proper and expedient; and to adopt such means as may be necessary for the prompt and efficient collection of said taxes, when so assessed and levied, and to prescribe the manner of selling property when the tax so levied upon it is not paid: *Provided*, that no sale of town lots or real estate shall be made until public notice of the time and place of such notice shall be given by advertisement in a weekly newspaper printed in Whiteside county, for three successive times, or by posting up notices in said town at least twenty days before the time of said sale: *And provided, further*, that in conducting such sale, the provisions of the act concerning public revenue, so far as the same may be applicable, shall be complied with; and that the real estate, so sold, shall be subject to redemption according to the provisions of said act concerning public revenue.

Proviso. Appointed officers. § 2. The town council shall have power to appoint a clerk, treasurer, assessor and street commissioner, and all such other officers as may be necessary, and to require of all officers appointed under, in pursuance of this charter, bonds, with such penalties and security for the faithful performance of their duties, as may be deemed expedient. Also, to require all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

§ 4. To appropriate money and to provide for the payment of the debts and expenses of the town.

Health regula- tions. § 5. To make regulations to secure the general health of the inhabitants of the town, and to declare what shall be a nuisance, and to prevent and remove the same.



§ 7. To provide the town with water; to sink and keep in repair wells and pumps in the streets, for the convenience of the inhabitants.

§ 8. To open, alter, abolish, extend, grade, drain, pave or otherwise improve and keep in repair streets and alleys.

§ 9. To erect and keep in repair bridges and public buildings.

§ 10. To erect market houses; to establish markets and market places, and to provide for the government and regulation thereof.

§ 11. To provide for inclosing, improving and regulating all public grounds belonging to said town. Public grounds

§ 12. To license, tax and regulate auctioneers, retailers, hawkers, peddlers, brokers, pawnbrokers, shows, exhibitions, theatrical and other places of amusement; to prohibit and suppress tippling houses, dram shops, gaming, bawdy and other disorderly houses, and to prohibit the sale of vinous, spirituous, mixed or malt liquors or other intoxicating drinks. License.

§ 13. To provide for the prevention and extinguishment of fires; to organize and regulate fire companies. To provide for the inspection and weighing of hay and stonecoal, and for the measurement of wood and fuel, sold in said town. Fires, &c.

§ 14. To provide for taking enumerations of the inhabitants of said town.

§ 15. To regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance.

§ 16. To fix the compensation of town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance. Compensation of officers.

§ 17. To prevent the incumbering of streets, squares, lanes and alleys of said town; to protect shade and ornamental trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said town; to prevent the running at large of horses, mules, asses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same, for any penalty incurred, and to impose penalties upon the owner or owners of any such animals for the violation of any ordinance in relation thereto. Incumbering streets.

§ 18. To prevent the running at large of dogs, and to provide for the destruction of the same when at large contrary to the provisions of ordinances in such cases made. Dogs.

§ 19. To prevent the firing of squibs, rockets, guns or other fireworks, within the limits of said town.

§ 20. To provide for the punishment of persons who may at any time disturb or distract the peace of any person or persons of said town, or the deliberations or proceedings Disturbing peace.

of any public meeting or meetings of the inhabitants, or any public lecturer, or the town council when in session.

Police.

§ 21. To regulate the police of the town; to impose forfeitures, fines and penalties for the breach of any ordinance, for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or any ordinance.

Gaming.

§ 22. The town council shall have power, within the limits of said town, to prohibit, by ordinance, and suppress billiard tables, lotteries and gaming of every description and character.

Enforcing of ordinances.

§ 23. The town council shall have power to make and enforce all ordinances necessary and proper for carrying into effect all of the powers specified in this act, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States nor of this state.

Style.

§ 24. The style of the ordinances of the town shall be: "*Be it ordained by the Town Council of the Town of Prophets-town.*"

Publication.

§ 25. All ordinances passed by the town council shall, within one month after they shall have been passed, be published in said town, as may be provided for by ordinance, and shall not be in force until they shall have been published.

Proof.

§ 26. All ordinances of the town may be proven by the seal of the corporation, and when printed or published by authority of the corporation, shall be received in evidence in all courts and places without further proof.

#### ARTICLE VI.—*Of the President.*

President's duties.

§ 1. The president shall preside at all meetings of the town council, and shall have a casting vote, and no other, and, in case of his non-attendance at any meeting, the council shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The president or any two members of the council may call special meetings of the town council.

Enforcing of laws.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished; and he is hereby authorized and empowered to call on any male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances thereof; and any person who shall not obey such call shall forfeit and pay to said town a fine not exceeding ten dollars.

§ 4. He shall have power, whenever he may deem it Exhibit. necessary, to require of any officer of said town an exhibit of his books and papers, and shall have power to do all other acts required of him by any ordinance made in pursuance of this act.

#### ARTICLE VII.—*In Special Cases.*

§ 1. Whenever it shall be necessary to take private pro- Damages. perty for opening or altering any public street or alley, the corporation shall make just compensation to the owners of such property, and pay, or tender the same, before opening or altering such street or alley; and in case the amount of such compensation can not be agreed upon, the police justice shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.

§ 2. When all the owners of property on a street or alley, proposed to be opened or altered, shall petition therefor, the town council shall provide for the opening or altering the same, but no compensation shall be allowed to such owners for their property so taken.

§ 3. All jurors empaneled to inquire into the amount Assessment of damages. of benefits or damages which shall happen to the owners of property proposed to be taken for opening or altering any street or alley, shall first be sworn to that effect, and shall return to the police justice their inquest, in writing, signed by each juror: *Provided, always,* in the assessment of such damages, the jury shall take into consideration the benefit as well as the injury happening to the owner of property proposed to be taken for opening or altering a street or alley by such opening or altering.

§ 4. The police justice shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, as aforesaid, to set aside the same and cause a new inquest to be made.

§ 5. The town council shall have power, by ordinance, Special tax. to levy and collect a special tax on the holders of lots on any street or alley, or any part of any street or alley, according to the respective fronts owned by them, for the purpose of draining, paving or grading the side-walks of such street or alley.

#### ARTICLE VIII.

§ 1. The inhabitants of Prophetstown are hereby ex- Road tax. empted from working on any road beyond the limits of the town, and from paying any tax to procure any laborers to work on the same.

§ 2. The town council shall have the power, and it is hereby made their duty, when it may be necessary for the purpose of keeping in repair the streets and alleys of said



town, to require every able bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets and alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner of said town, shall forfeit and pay the sum of one dollar to said town for each and every day so neglected or refused.

Fines and penalties.

§ 3. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the county jail, not exceeding thirty days for any one offence, in all cases where the offender shall fail or refuse to pay the fines and forfeitures which may be recovered against him.

Annual public report.

§ 4. The town council shall cause to be published, annually, a full and complete statement of all moneys received and expended during the preceding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Prophetstown shall remain in force until the same shall have been repealed by the town council hereby created.

Suits and prosecutions.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Prophetstown.

Actions accrued.

§ 7. All actions, fines and penalties and forfeitures which have accrued to the president and trustees of the town of Prophetstown shall be vested in and be prosecuted by the corporation hereby created.

Moneys.

§ 8. All moneys for fines, forfeitures or penalties for breaches of the peace and violations of the ordinances of the corporation shall be paid into the treasury of the corporation; and for an omission of any officer so to do, such officer may be proceeded against by the president and trustees in an action of debt for the same.

Vacancies.

§ 9. Whenever the justice of the peace or constable herein provided for, shall remove from said town, resign or die, or his office shall otherwise become vacant, the town council shall immediately provide for filling such vacancy by election.

Venue.

§ 10. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed, as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case where they are parties, by causing their secretary or clerk to execute a bond in the name of the corporation, in the form now furnished by law, without other security, and an order upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security; [secretary] to sign said bond.

Record.

§ 11. The clerk of the board shall preserve in a suitable

book a record of all their meetings and acts of the board, and especially of all ordinances they may pass, and all orders they may make upon the treasurer.

§ 12. This act is hereby declared a public act, and may be read in all courts of law or equity within this state, without proof. Public act.

§ 13. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1859.

AN ACT to incorporate the town of Sandoval, in Marion county, and for other purposes. In force Feb'y 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Sandoval, in the county of Marion, are hereby constituted a body politic and corporate, by the name of "The President and Trustees of the Town of Sandoval;" and by that name shall have perpetual succession, make and use a common seal, and alter it at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Body corpo-  
rate.

§ 2. The corporate limits of said corporation shall include all lots and parcels of ground lying and being within three-fourths of a mile from the centre of the square formed by the crossings of the Illinois Central railroad and the Ohio and Mississippi railroad, in said town of Sandoval. Limita.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; to purchase, receive and hold property, real and personal, beyond the corporation limits, for burial grounds and other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property, and to do all other things in relation thereto as natural persons. Powers.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business; and the following persons, to wit: Blakey Pilkington, Lambert Newland, George P. McClimans, Charles W. Stearns and Adoniram J. Barlow, who may be in office as trustees in said town, under the general incorporation law of this town, shall be deemed to hold their offices, by virtue of this act, until the first Monday in May, A. D. 1861, and until their successors are elected and qualified. Trustees.

## Election.

§ 5. On the first Monday in May, A. D. 1861, an election shall be held in said town of Sandoval for the election of five trustees of said town; and thereafter, on the first Monday of May in each year, an election shall be held for said officers. They shall be citizens of the United States, twenty-one years of age, and shall possess a freehold estate within the limits of said town.

## Voters.

§ 6. All persons who are entitled to vote for state officers, by the laws of this state, and who shall have been actual residents of said town six months next preceeding any election held under the provisions of this act, shall be entitled to vote at any such election.

## President.

§ 7. The said trustees, at their first meeting, shall appoint one of their body president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such manner as may be provided by ordinance; and all vacancies which may occur in said board, by absence from the town for three months, death, resignation, or otherwise, may be filled by said board, on recommendation of the president and confirmation of said board: *Provided*, that in all cases of a tie vote of said board, on any question whatsoever, pending before them, the president shall give the casting vote.

## Quorum.

§ 8. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance; and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

## Tie.

§ 9. All elections shall be held by ballot, and tie votes shall be decided by lot, in presence of the board of trustees.

## Oath.

§ 10. Each of the members of the board of trustees, before entering upon the duties of his office, shall take and subscribe an oath, before some justice of the peace of the county, that he will support the constitution of the United States and of this state, and that he will perform the duties of his office to the best of his ability. And there shall be at least one regular meeting of said board once in three months, at such times and places as may be prescribed by ordinance.

## Officers.

§ 11. The board of trustees shall have power to appoint a clerk, treasurer, assessor, and one or more street commissioners, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds and security as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same, and who shall possess the



same qualifications as are required for a member of the board of trustees.

§ 12. The board of trustees shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one-half per cent. upon the assessed value thereof, and may assess and enforce the collection of the same, by ordinances, not repugnant to the constitution of this state; also, to appropriate money, and provide for the payment of debts and expenses of the town. Taxes.

§ 13. To make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and prevent or remove the same. Health.

§ 14. To open, abolish, alter, widen, extend, establish, improve and keep in repair streets, alleys and public grounds in said town, and erect, maintain and keep in repair bridges, drains and sewers. Streets.

§ 15. To provide the town with water, to sink and keep in repair wells, and to erect needful buildings for the use of the town, and to improve and protect public buildings. Water.

§ 16. To provide for the inspection and weighing of hay and stone coal, and the measurement of wood and fuel to be used in said town.

§ 17. To license, tax and regulate auctioneers, merchants, grocers, eating houses and peddlers; and to regulate the fixing of chimneys and the flues thereof; also, to regulate the storage of gunpowder and other combustible materials. License.

§ 18. The trustees of said corporation shall have power to license groceries within the corporate limits of said corporation, upon such terms and under such restriction as they may think proper; and to collect, have and use, for corporate purposes, all the money raised from grocery license granted by them for the retailing of spirituous liquors within the corporate limits of said town: *Provided*, that the power heretofore given to the county courts of the several counties in this state, to grant license for the retailing of spirituous liquors, shall no longer be applicable within the corporate limits of the said town of Sandoval. They shall also have power to suppress gaming houses, bawdy houses, and other disorderly houses within said town; to license, tax and regulate theatrical and other exhibitions, shows or amusements; and to provide for the trial and punishment of persons who may be engaged in assaults and batteries and affrays within the corporate limits of said town.

§ 19. To fix the fees and compensation of town officers, jurors, witnesses and others, for services rendered under the provisions of this act. Fees.

§ 20. To prevent the incumbering of the streets, alleys and public grounds of said town; to protect shade trees; to Incumbering streets.

compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street or alley, or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs, dogs and other animals, and provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any such animals, for the violation of any ordinance in relation thereto; they shall also have power to prevent the firing of squibs, rockets, guns, or other fire-works or combustibles, within the limits of said town.

Public peace.

§ 21. To provide for the punishment of persons who may at any time disturb the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants, or of the board of trustees, when in session.

Police.

§ 22. To regulate the police of the town; to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in all cases the right of trial by jury shall be allowed to any person or persons charged with a breach of any of the provisions of this act, or any ordinance made in pursuance thereof.

Ordinances.

§ 23. The board of trustees shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, or as the good of the inhabitants of said town may require, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this state.

Style.

§ 24. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the town of Sandoval;*" and all ordinances shall, within one month after they are passed, be published or made known, by posting in three public places in said town copies of the same; and the certificate of the clerk of the town, under the seal of the incorporation, shall be *prima facie* evidence of such ordinance, and of its publication; and no ordinance shall take effect until published or made known as aforesaid.

Proof.

§ 25. And all ordinances may be proven by the seal of the town, and when published or printed in book or pamphlet form, and purporting to be printed or published by authority of the town of Sandoval, the same shall be received as evidence in all courts and places, without further evidence or proof.

### *Duties of the President.*

President.

§ 1. The president shall preside at all meetings of the board, when present; and in case of his absence at any

meeting, the board shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The president or any two members may call special meetings of the same.

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of the subordinate officers, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call upon all male inhabitants, over the age of twenty-one years, of said town, to aid in enforcing the law and ordinances; and any and every person who shall fail or refuse to obey such call shall forfeit and pay to said town the sum of ten dollars.

§ 4. He shall have power, whenever he may deem it Exhibit. necessary, to require of any officer of said town an exhibit of his books and papers; and shall have power to do all other acts required of him by any ordinance made in pursuance of the terms of this act.

### *Magistrates and Constables.*

§ 1. It shall be the duty of the trustees of said town, immediately after the passage of this act, to give notice for and cause an election to be held for a justice of the peace and constable, who shall be elected by the qualified voters within the corporate limits of said town, who shall take the same oath, execute the same bond, and be clothed with the same power, authority, jurisdiction, and subject to the same liabilities as other justices of the peace and constables within the limits of this state, and shall hold their offices, respectively, two years from the first Monday in May next, and, biennially, forever thereafter; also, shall hold their offices until their successors are elected and qualified. Justice peace  
and constable

§ 2. For the election of a justice of the peace and constable for said town, after the first election, shall be held at the same time and place as the election of trustees; and the manner of holding all elections required by this act shall be held and conducted, and returns thereof made, as may be hereafter provided by the ordinances of the trustees of said town, by this act created. Election.

§ 3. The said justice of the peace shall be commissioned by the governor of this state, and shall be a conservator of the peace for said town, and shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation, and shall have the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace: *Provided, however,* that at the election or choice of said board of trustees, any Commission.



justice of the peace residing within the limits of said corporation may perform all the acts and duties of police justice.

Appeals.

§ 4. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed, as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond, in the name of the corporation, in the form now or which may hereafter be furnished by law in other cases, without other security, and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

Powers of constable.

§ 5. The town constable, elected under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Marion; and shall have the same power, jurisdiction and authority, within the limits of said county, as other constables in all cases possess under the laws of this state; and shall give bond and qualify as said board shall by ordinance prescribe.

§ 6. The said constable shall be authorized to arrest all persons on view, without warrant, who shall violate any of the provisions of this act, or any of the ordinances of said town, made in pursuance thereof, and take him, her or them before the justice of the peace of said town, to be tried and punished, as may be prescribed by ordinance. In case of the absence or inability of said constable to act, any constable of said county of Marion shall have power and authority to execute all processes and writs which may be issued, in the same manner and with like effect as the constable of said town.

### *Streets and Alleys.*

Opening of streets.

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley in said town, the corporation shall make just compensation to the owner or owners of said property, and pay or tender the same before opening or altering such street or alley; and in case the amount of such compensation cannot be agreed upon, the same shall be ascertained by six disinterested freeholders of said town, who shall be summoned by the justice of the peace of said town for that purpose.

Inquest.

§ 2. The said jurors, so empaneled to ascertain the damages which will be sustained by the opening or altering of any street or alley, by any person or persons so owning property, shall first be sworn to that effect by said justice, and shall return to him their inquest, in writings signed by each of said jurors, and by him laid before the board of trustees, at their first meeting thereafter; and either party

may appeal therefrom to the circuit court of Marion county, in such manner and upon such terms as may be prescribed by ordinance.

§ 3. In the assessment of such damages, the jury shall take into consideration the benefits as well as the injury happening to the owner or owners of property proposed to be taken for opening or altering a street or alley, by such opening or alteration.

§ 4. That the board of trustees shall have power to levy and collect a special tax on the owners of lots on any street or part of street, according to their respective fronts, for the purpose of grading, paving or otherwise, the side-walks on said street or part of street. Special tax.

§ 5. That the lot in front of which any side-walk is made shall be taxed to pay at least one-half of the expenses of making such side-walk, in addition to the regular tax, which shall be assessed and collected in the same manner as other taxes are.

### *Miscellaneous Provisions.*

§ 1. The inhabitants of the town of Sandoval are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by the commissioners of highways of the township of Sandoval; and the entire jurisdiction and control of roads, highways and bridges in said town shall be held and exercised by the board of trustees by this act provided. Exemption.

§ 2. The board of trustees, for the purpose of keeping the streets, alleys and highways in said town in repair, are authorized and empowered to require every able bodied male inhabitant of said town, over twenty-one years of age and under fifty, to labor on said streets, alleys and highways any number of days, not exceeding four in each year. Any person failing to perform such labor, when duly notified by the street commissioner or other authorized officer of said town, shall forfeit and pay the sum of one dollar, to be paid to said town, for each and every day so neglected and refused. Street labor.

§ 3. The board of trustees shall have power for the punishment of offenders against any ordinance of said town, by imprisonment in the county jail, not exceeding thirty days for any offence, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them. Imprisonment

§ 4. All suits, forfeitures and penalties in and for the violation of any ordinance, shall be in the name of the president and trustees of the town of Sandoval; and the board of trustees shall regulate, by ordinance, the form and nature of the first and subsequent process, and the mode of executing the same. Suits.

§ 5. The incorporation hereby created shall not be required, in any suit brought for a violation of any ordinance of said town, to file, before the commencement of any such suit, or during the pendency thereof, any security for costs.

Vacancy.

§ 6. Whenever the justice of the peace, herein provided for, shall remove from said town, resign, or die, or his office shall otherwise become vacated, the board of trustees shall immediately provide for filling such vacancy by election.

§ 7. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state, without proof, and shall be in force from and after its passage.

APPROVED February 18, 1859.

In force Feb'y  
23, 1859.

AN ACT to incorporate the town of Staunton, in Macoupin county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Staunton, Macoupin county, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Board of Trustees of the Town of Staunton," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Body corpo-  
rate.

Boundaries.

§ 2. The boundaries of said corporation shall include the original town plat and the several additions of the town of Staunton, as the same are recorded in the recorder's office, in the county of Macoupin.

General pow-  
ers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the corporation limits, for burial grounds and other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

Elections.

§ 4. That there shall, on the first Monday in April next, be elected five trustees, and on every first Monday of thereafter, who shall hold their offices for one year and until their successors are duly elected and qualified; and public notice of the time and place of holding said election shall be



given by the president and trustees of said town, by an advertisement published in a newspaper in said town, or posting it up in at least three of the most public places in said town.

§ 5. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and, moreover, who has not paid a state or county tax; and all white male inhabitants, over twenty-one years of age, who have resided in said town six months next preceding an election, shall be entitled to vote for trustees; and the said trustees shall, at their first meeting, proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancy shall not exceed three months.

Eligibility.

§ 6. All vacancies which shall occur for a longer time the board shall give ten days' notice, by posting up at least three advertisements in said town for the election of a trustee to fill such vacancy, to be filled in the same manner as provided for regular elections; and said trustees shall have power to appoint a clerk, a treasurer and assessor, a street commissioner, and a town constable, which said officers, so appointed, shall give bond and security in such amount, and with such conditions as the trustees may require; and the said town constable shall take an oath of office, before some justice of the peace or notary public, that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines, and serve all processes at the suit of the corporation, and shall execute all writs, process and precepts which may be issued against any person for the violation of any of the laws or ordinances of the town, and shall have and possess the same powers and perform the same duties in other respects, within the limits of the corporation, as constables in the several districts of the county possess and perform; said constable to hold his office for one year and until his successor is elected and qualified.

Vacancies.

Appointments.

Oath.

§ 6. The trustees aforesaid and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation as they may deem expedient, and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said town, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and which are not contrary to the laws and constitution of this state.

Rules and regulations.

Tax.

§ 7. The said trustees shall have power to levy and collect a tax, not exceeding fifty cents on each one hundred dollars worth of property being within the incorporate limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, beer houses, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interest and convenience of the inhabitants of said town may require, and may adopt such modes and means, for the assessment and collection of taxes, as they shall, from time to time, deem expedient; and prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided*, no sale of real estate shall be made until public notice of the time and place of sale shall be given by advertisement in some newspaper in said town, or at four of the most public places in said town, by putting up written notices containing a list of said delinquent real estate, at least thirty days previous to the day of sale.

Sale for taxes.

§ 8. When any lots or real estate shall have been sold for taxes, as aforesaid, the same shall be subject to redemption in the time and on the terms now provided, or hereafter to be provided, by the revenue laws of this state, for the redemption of real estate sold for state and county taxes; but should the real estate so sold for taxes not be redeemed in the time and manner provided by law, and if the purchaser, or other person for him, shall have paid all taxes with which such real estate or lots shall have been charged, up to the time when the right of redemption shall expire, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers a deed therefor, signed by the president and countersigned by the clerk of the board of trustees.

Streets.

§ 9. The trustees shall have power to regulate, grade plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax, of not more than five days nor less than two days, against every able bodied male inhabitant of said town over the age of twenty-one year and under fifty years of age, to be collected and expended in such manner as they shall determine and direct.

Tippling houses.

§ 10. The trustees shall have power to tax, restrain prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses, and to suppress and restrain billiard tables.

Good order.

§ 11. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings or assemblages and to punish persons for making loud or unusual noises, or for disturbing persons assembled at religious or other mee-

ings in said town; for which purpose the trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary or expedient to carry the provisions of this act into effect, and impose fines for the violation thereof, which fines shall be recovered before any justice of the peace in said town; and the said trustees shall have power to declare what shall be considered a nuisance, within the limits of the corporation, and to provide for the abatement or removal thereof. Nuisances.

§ 12. There shall be elected upon the first Monday in April next, an additional justice of the peace in and for said town, to hold his office until the next general election of justices of the peace in this state, when his successor shall be elected, and thereafter every four years, in the same manner as now provided for the election of justices, who shall give bond and have jurisdiction in law as by law made and provided for other justices of the peace: *Provided*, that such justice shall be a resident of said town, and shall hold his office in some convenient place therein. Additional justice.

§ 13. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view or upon complaint being made to him upon oath, of a violation of any law or ordinance of said town to issue his warrant, directed to the town constable, or to any authorized person, to apprehend the offender or offenders and bring him or them before him forthwith, and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the corporation, to impose such fine or imprisonment as is provided by the laws of this state for the punishment of similar offences. Duty of justices of the peace.

§ 14. In all cases arising under the provisions of this act, appeals may be taken, and writs of *certiorari* allowed, as is now or may hereafter be provided by law. Appeals.

§ 15. All fines or moneys collected for licenses granted under the provisions of this act shall be paid into the town treasury, for the use of the inhabitants of the town. Fines.

§ 16. The trustees shall keep a well bound book, in which shall be recorded in a fair and legible hand, all by-laws and ordinances of the said corporation, and no by-law or ordinance shall be in force until the same shall have been advertised, by posting up copies of the same in at least three of the most public places in the said town, ten days previous to the time the same is to go into effect, or by publication in some newspaper in said town; which record or book shall be evidence of the authority of said by-laws or ordinances, that they have been legally enacted. Journal.

§ 17. The said trustees shall have power to make sidewalks in said town as to them may seem needful: *Provided*, *always*, that the lot in front of which any sidewalk is made shall be taxed to pay at least one-half of the expenses in making said sidewalk. Side-walks.



Fees.

§ 18. The justices of the peace and constables who are required to render services under this act shall be entitled to the same fees, and collect them in the same manner, as is or may hereafter be provided by law.

Meetings.

§ 19. That the president or any two of the trustees shall have power to call a meeting of the board, by giving one day's notice thereof, but a majority shall have power to adjourn, from time to time; to compel the attendance of absent members, and in the event that notice of an election is not given, as required by this act, or from any other cause, that an annual election shall not be holden at the proper time, it shall be lawful for the late clerk of the board, or any two qualified voters in said town, at any time thereafter, to give notice, as aforesaid, of the time and place of holding a special election; and the trustees elected at such special election shall have all the powers conferred by this act. This act shall take effect and be in force from and after its passage.

APPROVED February 23, 1859.

In force Feb'y 21, 1859. AN ACT to authorize the inhabitants of the incorporation of the town of St. Charles to subscribe to the stock of the St. Charles Railroad Company.

Authorized to  
take stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the incorporation of the town of St. Charles is hereby authorized to subscribe for shares of stock in the St. Charles Railroad Company, in any sum not exceeding fifteen thousand dollars, and which stock so subscribed for shall be under the control of the trustees of said corporation or of any other agents or agent that said incorporation may duly appoint, in all respects as stock subscribed by individuals: *Provided*, that when any stock is subscribed to said railroad company under this act, the time of the payment of the same shall be so fixed that not exceeding the sum of three thousand dollars, principal and interest, shall fall due in any one year.

Bonds.

§ 2. That for the payment of stock, so subscribed, the said corporation is hereby authorized to issue to said company the bonds of said corporation at par, bearing interest, not exceeding ten per cent. per annum, payable annually, with interest coupons annexed, and executed by the president of the board of trustees of said corporation and countersigned by the clerk of said board, to an amount equal to the par value of the shares of stock subscribed, and to pledge the faith of said corporation for the annual payment of the interest and ultimate redemption of the principal, which bonds may run any period not exceeding ten years, that the said corporation or agent, for that purpose, may de-

termine; said bonds to be payable on the first Monday of April, in whatever year they may be made payable.

§ 3. That before the stock aforesaid shall be subscribed, Election.  
an election shall be held to ascertain whether the citizens of said corporation are desirous that such subscription be made; which said election shall be called by the corporation clerk, whenever so requested by the president of the board of trustees of said corporation, and held and conducted, and the returns thereof made in like manner, as at the annual meeting for the election of corporation officers for said corporation.

§ 4. The vote shall be taken, by ballot, upon which shall Ballot.  
be printed or written or partly printed and partly written "For a Railroad, \$———," (specifying how much) or "Against a Railroad." If it shall be found that a majority of the legal voters of said corporation voting upon the question have voted "For a Railroad," the amount to be subscribed to such railroad company shall be the greatest sum for which there shall be the greatest plurality of votes in the ballot so taken; and in case there shall be no affirmative majority vote "For a Railroad" at the first meeting called for such purpose, other meetings may be called for a like purpose, which, whenever called, shall be conducted in a like manner, whenever the president of the board of trustees of said corporation shall be petitioned so to do by at least fifty of the legal voters of said corporation, not exceeding three times in each year, until an affirmative vote may be had "For a Railroad," by a majority, as aforesaid. In case a majority of the voters voting at such election be "For a Railroad," the amount to be subscribed shall be ascertained as aforesaid, and such sum shall be the true amount authorized by said corporation to be subscribed to said railroad company, which subscription, when thus ascertained, the president of the board of trustees of said corporation or such agents as said corporation, for that purpose may duly authorize, shall duly subscribe for such stock to said railroad company, and when so made, such subscription shall be binding upon said corporation forever. The bonds which shall be issued under the provisions of this act shall be issued for any sum not less than one hundred dollars each, and in the aggregate, not to exceed the amount of stock subscribed to said railroad company under this act: *Provided*, the said president of the board of trustees or the said agents of said corporation may, at any time, issue to said company the full amount of bonds to be issued in payment of such subscription, whenever, in his or their discretion, they may deem it advisable so to do.

§ 5. Whenever called upon so to do by at least fifty Meeting.  
voters of said corporation, the president of the board of trustees shall cause to be called a meeting of the said voters of such corporation aforesaid, to be called and conducted in like

manner as aforesaid, to ascertain if such corporation will subscribe other and further stock to said railroad company, until the full sum of fifteen thousand dollars of such stock may be so taken, as aforesaid, and no more; it being the intent and meaning of this act to enable said corporation, from time to time, as it may determine, to subscribe stock to said railroad company, in the aggregate not to exceed fifteen thousand dollars; the amount to be ascertained and subscribed and paid as mentioned in this act; and this act is to be construed liberally by all courts for the proper carrying out the said object.

Special tax.

§ 6. The said corporation of the town of St. Charles is hereby authorized and required to levy and collect a special tax upon all the taxable property in said corporation sufficient to pay the accruing interest, annually, on any sum or sums they may subscribe or cause to be subscribed under the authority of this act to said railroad company, and to pay the said subscription as it may become due, at a rate of not exceeding four thousand dollars, principal and interest, in any one year; said tax to be levied and collected at the same time and in the same manner that other taxes of said corporation are levied and collected, and when collected, shall be applied to the payment of the annual interest and principal of any bonds to be hereafter issued by said corporation, so fast as they shall fall due, as provided for by this act, and to no other purpose whatever, until the whole of the bonds so issued, with the interest thereon, are paid in full; and the said corporation shall have the same rights, powers and remedies to enforce the collection of said tax, by the sale of property or otherwise, as is provided for the collection of other taxes for revenue and other purposes.

This act to be in force from and after its passage.

APPROVED February 21, 1859.

In force February 21, 1859.

AN ACT to incorporate the towns of Sycamore and Sandwich.

Body politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Sycamore, in the county of DeKalb, are hereby constituted and declared a body corporate and politic, by the name and style of "The town of Sycamore," and by that name the said body corporate shall have all the rights, powers and privileges granted to the town of Belvidere in an act entitled "An act to incorporate the town of Belvidere," approved February 5th, A. D. 1857; and the said act to incorporate the town of Belvidere, excepting such parts as are inconsistent with the subsequent portions of this



act, is hereby enacted for the organization and government of the town of Sycamore, the name "Main" being for that purpose inserted in the place of "State," in section ten of said act, and the name "Sycamore" in place of "Belvidere," and the name "DeKalb" in place of "Boone," throughout said act.

§ 2. Said corporation shall include all that district of country contained in and known as all of section thirty-two, township forty-one north, range five east, in DeKalb county: *Provided*, the board of trustees may extend the limits of said corporation not to exceed two miles square of land. Limits.

§ 3. Whereas the citizens of Sycamore did organize themselves and have, for some time, acted as an incorporated town under the general laws of this state, therefore, the election of trustees and police magistrate of said town, held on the 9th day of May, A. D., 1858, in pursuance of the act referred to, shall be considered and held as valid; and all actions, rights, fines, forfeitures and penalties, in suit or otherwise, which have accrued to or have been commenced by the president and trustees of said town, shall be vested in and prosecuted by the corporation hereby created. Incorporation legalized.

§ 4. The trustees shall have exclusive power to restrain, prohibit and suppress the selling of spirituous and vinous liquors. Liquors.

§ 5. The present police magistrate of said town shall continue in office until the second Monday in March, A. D., 1862, and shall be conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions, acknowledgments of deeds, mortgages and other instruments of writing, and certify the same as other justices of the peace, and he shall have exclusive original jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, in all cases whatsoever, with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees as other justices in similar cases: *Provided*, appeals and changes of venue shall be allowed from his judgments as from the judgments of other justices of the peace. Magistrate.

§ 6. The first election of trustees provided for in this act shall be held on the second Monday in March, A. D., 1859, and the subsequent elections shall be held on the second Monday in March in each year thereafter, as provided in the third section of the act to incorporate the town of Belvidere. Election.

§ 7. All the powers, rights and privileges granted by this act to the inhabitants and corporate authorities of the town of Sycamore, (so far as applicable,) shall be extended to the inhabitants and corporate authorities of the town of Sandwich, in DeKalb county, whenever said town of Sandwich Sandwich.

shall become an incorporated town under the provisions of the general laws of this state for the incorporation of towns.

§ 8. This is declared to be a public act, to take effect from and after its passage.

APPROVED February 21, 1859.

In force Feb'y  
11, 1859.

AN ACT to incorporate the town of Toulon.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Toulon, in the county of Stark and state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Toulon;" and by that name and style shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Name.

Powers.

§ 2. The inhabitants of said town, by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatsoever; and may purchase, receive and hold property, real and personal, within or beyond the limits of said town, for burial grounds and for other public purposes, for the use of the inhabitants of said town; and may sell, lease and dispose of property, real and personal, for the benefit of said town, and improve and protect such property, and do all things in relation thereto as natural persons.

Boundaries.

§ 3. That the boundaries of said town of Toulon, be as follows, to wit: Beginning at the southeast corner of the southeast quarter of section nineteen (19), in township number thirteen (13) north, and range number six (6) east, of the fourth principal meridian, in the county of Stark and state of Illinois, and running thence west on the south line of said section nineteen (19) and on the south line of section number twenty-four (24), in township number thirteen (13) north, and range number five (5) east, to the centre of the south line of the southeast quarter of said section twenty-four (24), thence north to the centre of the north line of said southeast quarter of section twenty-four (24), thence east to the northeast corner of the said southeast quarter of section twenty-four (24), thence north to the northwest corner of Culbertson & Greenwood's addition to the town of Toulon, thence east to a point north of the northeast corner of the fair grounds of the Stark County Agricultural Society, thence south to the north line of the southeast quarter of said section nineteen (19), in township num-

ber thirteen (13) north and range number six (6) east, thence east to the northeast corner of the said southeast quarter of section number nineteen (19), thence south to the place of beginning: *Provided, however*, whenever a majority of the legal voters residing in any territory proposed to be annexed to or included within the corporate limits of said town, shall petition the president and board of trustees of said town to be so annexed to or be included within said corporate limits, the said president and board of trustees may, at their discretion, extend the corporate limits of said town, so that the same, when extended, shall not exceed two miles square: *And provided, further*, that at least twenty days' notice shall be given of the time and place when such petition shall be presented, by publishing the same in a public newspaper printed in said town, if any such there be, and by posting three written or printed notices in three public places in said town, and also a like number in three places in said territory.

§ 4. The present president and trustees of said town as Trustees.

at present incorporated under the general act of incorporation, are hereby appointed trustees of said town, and shall hold their offices until the first Monday of April next, and until their successors are elected and qualified; and on the first Monday of April next or within ten days thereafter, and on the first Monday of April of every year thereafter, an election shall be held for five trustees of said town, who shall hold their offices for one year and until their successors are elected and qualified; and ten days' public notice of the time and place of holding any election for trustees shall be given by the president and trustees, or by their clerk, by advertising in any weekly paper published in said town, or by posting up notices in three of the most public places in said town. No person shall be elected a trustee of said town Eligibility. who shall not be qualified to vote for state and county officers, and who shall not have been, for one year previous to such election, a *bona fide* freeholder within the incorporated limits of said town.

§ 5. That at any election for trustees, every person who Voters. shall be qualified to vote for state officers and who shall have resided within the limits of said corporation for six months previous to such election, may enjoy the right of an elector.

§ 6. That the trustees shall elect one of their number President. president, and shall be judges of the elections, qualifications and returns of their own members, a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalty as they may provide, and punish their members for disorderly conduct, and, by vote of three-fifths of the whole number elected, expel a member; and make such other rules and regula-



Vacancies.

tions for their government as to them may seem proper and expedient; and shall have power to fill any vacancies in the board of trustees, occasioned by death, resignation, removal or continued absence from town for three months, or otherwise.

§ 7. The president and trustees of said town shall have power—

Streets.

1st.—To cause all the streets and alleys and public lanes within the limits of said town, to be kept in good repair, and to this end they shall require every male resident of said town, over the age of twenty-one years, to labor on the same not exceeding three days in each year; and if such labor be insufficient for that purpose, to appropriate so much from the general funds of the corporation as they shall deem necessary therefor.

2d.—To open, alter, vacate, widen, extend, establish, grade, pave and otherwise improve any streets, avenues, lanes, alleys and public roads, within the limits of said town.

Side-walks.

3d.—To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to [any] street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which such side-walks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair, sufficient to pay one-half the expense of such construction or repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts; and until the said president and trustees shall provide, by ordinance, for the levying and collecting of said tax, they shall enter upon the records of the corporation, whenever they shall desire to collect such tax, a resolution that such tax shall be levied and collected, and the number of the lot or lots upon which the tax is proposed to be levied, and the amount upon each lot; and a certified copy of such resolution shall be filed in the office of the clerk of the county court. It shall then be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporate taxes.

Special taxes.

4th.—To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce payment thereof in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state; but until they provide, by ordinance, for enforcing the payment thereof, they shall be collected in the manner provided by the ninth section of the act aforesaid.

Cattle, horses,  
&c.

5th.—To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other ani-

mals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses or other animals.

6th.—To prevent and regulate the running at large of dogs, and authorize the destruction of the same, when at large contrary to any ordinance. Dogs.

7th.—To prevent horse-racing or any immoderate riding or driving, within the limits of said town, of horses or other animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said town. Racing.

8th.—To establish and maintain a public pound, and appoint a pound master, and prescribe his duties. Pounds.

9th.—To restrain and prohibit all descriptions of gambling and fraudulent devices, and to suppress and prohibit billiard tables, ball alleys, and other gaming establishments. Gambling.

10th.—To suppress and prohibit disorderly houses or groceries and houses of ill fame. Disorderly houses.

11th.—To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements. Shows, &c.

12th.—To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries, or disorderly conduct, or shooting, within the limits of said town. Riot.

13th.—To abate and remove nuisances, and punish the authors thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof. Nuisances.

14th.—To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance, not exceeding two miles, from the limits thereof. Contagious diseases.

15th.—To regulate the storage of gunpowder and other combustible materials. Gunpowder.

16th.—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies. Fire.

17th.—To provide the town with water, for the extinguishment of fires, and for the convenience of the inhabitants.

18th.—To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town. Public grounds

19th.—To provide for erecting all needful buildings for the use of said town.

20th.—To make all necessary regulations to secure the general health of the inhabitants thereof.

21st.—To suppress and prohibit the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, beer or other intoxicating liquors, within the limits of said town: *Provided*, that they may provide for the sale of the same, Spirituous liquors.

in good faith, for purely medicinal, mechanical and sacramental purposes, and for no other purpose.

Debts. 22d.—To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.

Ordinances. 23d.—To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case, except in assaults or assaults and batteries, riots or affrays, shall any such fines or penalties exceed the sum of fifty dollars for any one offence.

Proviso. § 8. That the president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute, any where in Stark county, any writ, process and precept which may be issued against any person or persons, for the violation of any ordinance of said corporation, and to arrest, on view, any and all persons who may violate the same, and to take them before any justice of the peace of said town, and to collect any fine, forfeiture, or penalty which may be assessed or recovered, for the use of said town: *Provided*, that any other constable may execute any process issued by any justice of the peace by virtue of this act; also, to appoint a clerk, treasurer, street commissioner, board of health and all other officers that may be necessary, and to prescribe their duties; and may require bonds from the several officers for the faithful discharge of their duties.

Town constable. Appoint officers. Record. § 9. The president and trustees shall require their clerk and it shall be his duty to make and keep a full and faithful record of all their proceedings, by-laws, ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book, to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Toulon, shall be received in all courts, without further proof, as evidence of all such matters therein contained; and all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies of the same in three public places in said town.

Penalties, &c. § 10. Any fine, penalty or forfeiture incurred under this act or any by-laws or ordinances made in pursuance of this act, or that may be incurred under any act or acts that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace, in the corporate



name; and several fines, forfeitures or penalties for breaches of the same ordinance or by-law, not exceeding one hundred dollars, may be recovered in one suit; and the first process shall be summons, unless oath or affirmation be made for warrant by some credible person; but in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offences against the laws of the state. It shall be lawful to declare, generally, for debt, to recover such fines, penalties or forfeitures, stating the clause of this act or the ordinance or by-laws under which the same are claimed, and to give the special matter in evidence under the declaration; and the justice shall proceed to hear and determine the case as in other cases. Upon the rendition of judgment for any such fines, penalties or forfeitures, the justice shall issue his execution for the same and costs of suit; which may be levied upon any personal property of the defendant or defendants, not exempt from execution. If the constable shall return upon such execution "no property found," then the justice shall issue a *capias* against the body of the defendant or defendants, and the constable shall arrest such person or persons and commit him or them to the jail of the county, to remain forty-eight hours, and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars, and so, in proportion to the amount of the judgment and costs: *Provided, however*, if the said president and trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property, and signify the same in writing, to him, he shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof and all the proceedings, according to law, to such clerk, which shall be filed and recorded as in other cases; and such judgment shall have the same force and effect as judgments rendered in the circuit court: *Provided*, an appeal may be granted within five days after the rendition of judgment, with the same force and effect, rights and privileges to all parties as in other cases.

§ 11. The justices of the peace and constables who may render service under this act shall be entitled to the same fees and collect them in the same manner as is or hereafter may be provided by law in other cases. Fees of justice.

§ 12. The president and trustees shall not be required, in suits instituted under this act, or ordinances passed by virtue thereof, to file, before the commencement of any such suit, any security for costs. Suits.

§ 13. All fines, forfeitures and penalties received or collected for the breach of any ordinance or this act shall be Fines, &c.

paid into the treasury of said corporation, by the officer or person receiving or collecting the same.

Road labor.

§ 14. The inhabitants of said town are hereby exempted from working upon any road beyond the limits of the corporation and from paying any tax upon property within the limits to procure laborers to work upon any such road.

Ordinances.

§ 15. All ordinances, by-laws and resolutions passed by the president and trustees of the town of Toulon, as incorporated under the general law, and which are not inconsistent herewith, shall remain in force until the same shall be repealed by the president and trustees of the corporation created by this act.

Accrued rights

§ 16. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which [have] accrued to or have been commenced by the president and trustees of said town, incorporated under the general law, shall be vested in and be prosecuted by the corporation hereby created.

Property.

§ 17. All property, real and personal, or any estate or interest therein, held by or belonging to the president and trustees of said town of Toulon, as incorporated under the general law, for the use of the inhabitants thereof, shall be and the same is hereby declared to be vested in the corporation hereby created.

§ 18. This act is hereby declared to be a public act and may be used in evidence in all courts of law or equity, within this state, without proof.

§ 19. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1859.

In force Feb'y  
24, 1859.

AN ACT to incorporate the town of Vienna.

Body politic.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants and residents of the town of Vienna, in the county of Johnson, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Vienna;" and by that name shall have perpetual succession; and may have and use a common seal, have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property,*

real and personal, for the use of said town; to protect and improve any such property, as the public good may require. Boundaries.

§ 2. The boundaries of said town shall be as follows, viz: Commencing at the southeast corner of the southwest quarter of section nine, in township 12 south, of range three east, and running thence due north to the township line, townships twelve and thirteen; thence due west two miles; thence due east to the place of beginning.

§ 3. The government of said town shall be vested in a president and four trustees—the said trustees to be elected annually, by the qualified voters of said town; and no person shall be a trustee unless at the time of his election he shall have resided in said town for the space of six months, twenty-one years of age, and a citizen of the United States; and upon his removal from said town he shall vacate his office. Trustees.

§ 4. The board of trustees shall determine the qualification of its own members, all cases of returns and elections of their own body, and a majority shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

§ 5. The president and each of the trustees shall, before Oath entering upon the duties of his office, take an oath to perform the duties of his office to the best of his knowledge and abilities; and there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

§ 6. The boundaries of said town, as herein defined, shall constitute a district for the election of one justice of the peace and one town constable, who shall be elected by the qualified voters of said town at the same time and place at which the trustees are elected; and the said justice of the peace shall give bond and qualify as other justices are required by law to do, and he shall be, *ex officio*, president of the board of trustees, shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a trustee by the third section of this act; and if he shall remove from said town his office shall be vacated. Justice of the peace.

§ 7. If two or more persons shall receive an equal number of votes for the office of justice or constable the board shall proceed to determine the same by lot; and all contested elections shall be determined as prescribed by ordinance. Tie.

§ 8. On the first Monday in the month of April, A. D. 1859, and on the first Monday in the month of April, in each year thereafter, an election shall be held in said town Election.



for one justice of the peace, one town constable and four trustees, as aforesaid, who shall hold their offices for one year and until their successors are elected and qualified; which first election shall be held between the hours of ten o'clock, in the forenoon, and four o'clock, in the afternoon, of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, certify the votes for justice of the peace to the clerk of the county court, and lay the poll books of such election before the board, at its first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance.

Voters.

§ 9. All free white inhabitants of said town shall be entitled to vote for town officers who are qualified to vote for state officers, and who shall have resided in said town one month next before any such election.

Taxes.

§ 10. The president and trustees shall have power and authority to levy, assess and collect a tax on all property, real, personal and mixed, in said town, which is now or may hereafter be subject to taxation for state or county purposes, and may assess and enforce the collection of the same by any ordinance, not repugnant to the constitution of the United States; or the trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the county assessor and cause the same to be collected by the county collector.

Assessment.

§ 11. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk of the county court notice of their intention so to do; which notice shall be a copy of their records, and also the rate of taxation; and [upon] the receipt of such notice the said tax shall be extended and collected and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of the state.

Officers.

§ 12. The said board shall have power to appoint such officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds, with such security, and take such oaths as may be judged necessary to insure a faithful performance of their respective duties; and shall have power to appropriate money, and provide for the payment of the debts and expenses of the town; to make regulations to secure the general health of the inhabitants of the town; to declare what shall be deemed a nuisance, and to prevent and remove the same; to open, abolish, alter, widen, extend, establish, grade or otherwise improve and keep in

General powers

repair streets, alleys and lanes in said town, and erect, maintain and keep in repair bridges; to provide for the erection of all needful buildings, for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds, belonging to the town; to license, tax and regulate auctioneers, License. merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to restrain and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses; to provide for the prevention and extinguishment of fires; and to organize and establish fire companies; to regulate partition fences; and to provide for the inspection and weighing of hay and stone coal, and the measurement of wood and fuel, to be used in said town; to provide for taking of the enumeration of the inhabitants of said town; to regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances; to fix the fees and compensation of all town officers, Fees. jurors, witnesses and others, for services rendered under this act or ordinances; impose fines, penalties and forfeitures, for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties; to prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or uninclosed lots; to Animals. prevent the running at large of horses, cattle, hogs, sheep or other animals, and provide for distraining and impounding the same, and to provide for the sale of the same, for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto; to prevent the running at large of dogs, and to provide for the destruction of the same, when running at large contrary to ordinance; to prevent the firing of squibs, rockets, guns or other combustibles or fire-arms within the limits of said town.

§ 13. The president and board of trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state or the constitution of the United States. The style of the ordinances of the town shall be, "*Be it ordained by the President and Trustees of the Town of Vienna;*" and all ordinances shall, within one month after they are passed, be published in a newspaper printed in said town, or, if no newspaper is printed in said town, by posting copies of the same in three public places in said town; and the certificate of the publisher of such newspaper, Ordinances.

or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication; but no ordinance shall take effect until the expiration of ten days after publication, as aforesaid.

**Record.** § 14. It shall be the duty of the clerk of said corporation to provide a well bound book, in which he shall correctly record all ordinances of said town, affix his certificate of the date of the enactment of each ordinance and the time when the same was published, as required by section 13 of this act; and said book of record shall be received as evidence of the facts therein recorded in all courts and places where judicial proceedings are had, without further proof.

**President.** § 15. The president of the board shall preside at all meetings of the board, when present; and in case of his absence at any meeting the board may elect a temporary chairman. He shall, at all times, be vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinates, and cause negligence and willful violation of duty to be punished; he shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of a riot, to call out the militia, to aid in suppressing the same, or in carrying into effect any law or ordinance; and any person who shall fail or refuse to obey such call shall forfeit and pay to the said corporation the sum of five dollars.

**Justice of the peace.** § 16. The said president shall be commissioned by the governor, and he shall have and exercise the same power and jurisdiction conferred upon other justices of the peace by the laws of this state; and shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation; and shall receive the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace; and for any willful and corrupt oppression, malconduct or partiality or palpable omission of duty in his said office, may be indicted in the circuit court of Johnson county, and, upon conviction, shall be fined in a sum not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to make his removal from office a part of the judgment.

**Special tax.** § 17. The president and trustees shall have power, by ordinance, to levy, assess and collect a special tax on the holders and owners of lots upon any street, square, lane or alley or upon any part of any street, lane or alley, according to their respective fronts owned by them, for the purpose of grading, planking or paving such square, street, lane or alley; to be collected as other taxes are collected by the provisions of the tenth and eleventh sections of this act, or as may be provided by ordinance.

**Street labor.** § 18. The president and trustees, for the purpose of keeping the streets, alleys, avenues, lanes and highways in



repair, to [shall] require every male inhabitant of said town, over the age of twenty-one and under fifty years, to labor on said streets, alleys, avenues, lanes and highways five days in each year; and every person failing or refusing to perform such road labor, after being notified, as may be provided by ordinance, shall forfeit and pay one dollar for each day so neglected and refused.

§ 19. The president and board of trustees shall have Impr power to provide for the punishment of the offenders against any ordinance, in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 20. The inhabitants of said town shall be exempt from Exemption road labor and the payment of road tax levied by authority of the county court; and the entire jurisdiction and control of the roads, highways and bridges, in said town, shall be held and exercised by the president and trustees as aforesaid.

§ 21. All writs for the recovery of penalties for the Write breach of any ordinance of said town shall be in the form of an action of debt, before the president of the board, or, in case of his absence or inability to act, before some other justice of the peace of said town; and changes of venue and appeals shall be allowed in cases commenced before the said president of the board of trustees as in other cases before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order, entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

§ 22. The town constable elected under the provisions Constable of this act shall have power and authority to execute all process issued for the breach of any ordinance of said town, and, for that purpose, his power and authority shall extend over the said county of Johnson. He shall have the same power, jurisdiction and authority, within the limits of said town and county, and receive the same fees, for like services, as other constables, under the laws of this state; he shall have power, upon view or information, and without warrant, to arrest offenders for any violation of the ordinances of said town, and, for that purpose, may call to his aid such posse as he may deem necessary to carry into effect the provisions of this section; he shall give bond and qualify as the said board shall, by ordinance, prescribe.

§ 23. All suits for fines and penalties, for the violation Suits of any ordinance, shall be in the name of "The Town of Vienna"; and the said corporation shall have power to regulate, by ordinances, the form and nature of the first and

of any subsequent process and the mode of executing the same.

Schools.

§ 24. The said town of Vienna is hereby made one school district, and the president and board of trustees of said town shall have all the powers and discharge all the duties that are now incumbent upon school directors under the laws of the state of Illinois.

§ 25. This act is declared to be a public act, to take effect and be in force from and after its passage.

APPROVED February 22, 1859.

in force Feb'y 24, 1859. AN ACT to annex the town of Tioga City to the town of Warren, in Henderson county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Tioga City be and is hereby annexed to and consolidated with the town of Warren, in Henderson county. And Tioga City shall hereafter be known as Fleming's addition to the town of Warren.

Tioga City annexed to Warren.

Description.

§ 2. That all titles heretofore made shall be as valid and legal as though this change had never been made; and the lots in said addition shall hereafter be described as situated in Fleming's addition to the town of Warren.

§ 3. That this act take effect from and after its passage.

APPROVED February 24, 1859.

in force Feb'y 24, 1859. AN ACT of incorporation for the town of Warren, in Jo Daviess county.

Body corporate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents in the town of Warren, in the county of Jo Daviess, are hereby made a body corporate and politic, in law and in fact, by the name and style of "The President and Trustees of the Town of Warren," and by that name shall have perpetual succession, and a common seal, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Boundaries.

§ 2. The boundaries of said corporation shall include the original town plat and the several additions to the town of Warren, as the same is recorded in the county of Jo Daviess, or shall hereafter be added and recorded, and may include any land within one mile square in said town.

§ 3. That there shall, on the first Monday in May next, Trustees.  
be elected five trustees, and on every first Monday in May thereafter, who shall hold their offices for one year and until their successors are elected and qualified; and public notice of the time and place of holding said election shall be given by the president and trustees by publishing notice in a newspaper published in said town or by posting up notices in at least three public places in said town, ten days prior to said election.

§ 4. No person shall be a trustee who has not been a resident of said town one year preceeding his election, or who has not arrived at the age of twenty-one years, and who is not, at the time, a *bona fide* freeholder. And all white male inhabitants over the age of twenty-one years, who have resided in said town six months preceeding said election shall be entitled to vote for trustees. Eligibility.

§ 5. The trustees, before entering upon the duties of their office, shall severally take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability. Oath.

§ 6. The said trustees or a majority of them, when so elected and qualified, shall, at their first meeting, proceed to elect one of their number president; and shall have full power to fill all vacancies in said board, by appointment, which may be occasioned by death, removal or resignation. President.

§ 7. The president and board of trustees shall have power to appoint a clerk, assessor, treasurer, street commissioner, collector and a police constable; and the said treasurer and police constable shall be required to file a bond before assuming the duties of their office, with good and sufficient sureties, in a sum designated by the board of trustees; and the police constable shall be required to take the oath of office before some justice of the peace in said county, that he will faithfully discharge the duties of his office and support the constitution of the United States and of this state; and, when so elected and qualified, he shall have the same jurisdiction in civil and criminal cases as other constables elected for town and county purposes; and the said police constable shall have power to appoint three special police constables, residents of said town, whose duty it shall be to aid in preserving the peace in said town, and to perform such other duties within the corporate limits of said town as is vested in and required of the police constable, and they shall be required to file a bond, with sureties, and to take the oath of office as prescribed for regular police constables. Officers.

§ 8. The president and board of trustees, elected under this act, shall have no compensation for their official services, except in cases where they are engaged in defending suit or suits in behalf of said corporation; in which case they shall Compensation.



be allowed all reasonable expenses, while so engaged for said corporation.

Police magis-  
trate.

§ 9. The police magistrate elected for the town of Warren, under the general act of incorporation, shall be deemed the police magistrate under this act until his term of office shall expire, when it shall be lawful for the board of trustees to call a meeting for the election of a police magistrate, to fill such vacancy; or, in case the board of trustees shall deem it for the interests of the town to postpone said election until the regular election, on the first Monday in May thereafter, then said election shall be so postponed. This provision shall be deemed to apply to cases of death or resignation. And all police magistrates, so elected, shall have the same jurisdiction in said county as other justices of the peace, and shall be subject to the same rules, regulations and qualifications as other justices of the peace in said county.

Powers.

§ 10. The said corporation is hereby made capable, in law, to take and hold, to themselves and their successors in office, any lands, tenements, hereditaments; have power to sue and be sued, to plead and answer and be answered, in any court whatever.

Special tax.

§ 11. In all cases [where] the board of trustees, or a majority of them, shall deem it necessary to levy a tax on the real or personal property in said town, for the purpose of paying off town indebtedness or making public improvements, it shall be their duty to give ten days' public notice to the people of said town, calling a town meeting, on a day specified by said board, where it shall be the duty of the president, or one of the members of the board of trustees, to preside; and the people, when so assembled, shall proceed to vote, by *viva voce*, whether said tax shall be levied on their real or personal property (said tax shall not exceed fifty cents on one hundred dollars, assessed value.); and if a majority of the votes cast are against said taxation then the proposition shall be abandoned.

§ 12. The president and board of trustees of said town shall have power, whenever a tax shall be levied, as specified in section 11 of this act, to enforce the payment of the same, in any manner, to be prescribed by ordinance, not repugnant to the constitution and laws of the United States nor of this state.

Street labor.

§ 13. The said board of trustees shall have power to require every male resident of said town, between the age of 21 years and 60 years, to labor, under the directions of the street commissioner, on the streets and alleys of said town, and upon the public roads passing from and through said town, in the limits of said corporation, two days in each and every year, and one day in addition for every \$500 of assessed taxable property in said town, as ascertained from the assessment for county and state purposes. And any person failing to perform such labor, when duly notified by the

street commissioner, shall forfeit and pay the sum of one dollar for each day in which he has neglected or refused so to labor; and any nonresident, owning property in said town to the amount of \$500, shall be taxed for street and road purposes the sum of seventy-five cents for each \$500 of property so owned in said town.

§ 14. The president and trustees of said town shall have power to license, tax and regulate auctioneers, groceries, ordi- License.  
naries and all places where spirituous or fermented liquors are sold by less quantities than one quart; also, hawkers and peddlers and pawnbrokers; also, to license, tax and regulate theatrical exhibitions, shows and public amusements.

§ 15. The board of trustees of said town may provide penalties, by ordinance, for the violation of any of the provisions in this act enumerated, and they are further empowered to make regulations and pass ordinances to secure the general health of the inhabitants of said town-- Penalties.

1st.—To declare what shall be a nuisance, and to prevent and remove the same.

2d.—To restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibitions of horses or other animals. Animals.

3d.—To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance. Dogs.

4th.—To establish and maintain a public pound and to appoint a pound master and to prescribe his duties.

5th.—To suppress and prohibit disorderly houses or gro- Nuisances  
ceries and houses of ill-fame.

§ 16. The said board of trustees shall have power to make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which said sidewalk or pavements are, or shall be ordered or proposed to be made: *Provided*, such tax shall be levied on such lot or lots proportionate to the length of their respective fronts; and the said president and board of trustees may prescribe the manner of selling property, when the taxes assessed and levied are not paid: *Provided*, that all the proceedings shall be had in reference to the delinquent taxes as are now required by the revenue laws for the collection of the state and county tax. The sale, in all cases, of any lands or lots for taxes to be held within the corporate limits of said town: Sidewalks.

§ 17. All fines, penalties, forfeitures or saloon or gro- Fines.  
cery license, incurred or obtained under this act or any by-law or ordinance made in pursuance of this act, may be recovered, together with costs, before any justice of the peace in said county, in the name of the president and trustees of

the town of Warren, by action of debt; and all such moneys, so recovered, shall be paid into the treasury of said town, and be used for the benefit of said corporation. All proceedings for the recovery of any forfeiture, penalty or license, as aforesaid, shall be recovered the same as provided for by statute in cases of other debts.

## Exemption.

§ 18. The inhabitants of said town are hereby exempted from working upon any road beyond the limits of said town or corporation, and from paying any tax upon property within its limits to procure laborers to work upon any such road.

## Ordinances.

§ 19. All ordinances now in force under the general act of incorporation, which are not inconsistent with the provisions of this act, may, at the discretion of the board of trustees, remain in force and effect; and all laws, now in force in said town, inconsistent with this act, are hereby repealed.

Police magis-  
trate.

§ 20. The police magistrates and constables, who are required to render service under this act, shall be entitled to the same fees and collect them in the same manner as is now provided by law for persons serving as justices of the peace and township constables.

## Election.

§ 21. The qualified voters, within said corporation, shall vote, on the third Tuesday in April next, for or against being incorporated under this act; and if a majority of all the votes cast at said election are in favor of being incorporated the election for trustees shall be held on the first Monday in May thereafter; and if a majority of all the votes cast at said election are against being incorporated this act to be null and void.

APPROVED February 24, 1859.

in force Feb'y  
24, 1859.

AN ACT to amend "An act to incorporate the town of Washington"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Washington, in the county of Tazewell, shall hereafter, in addition to the powers already conferred upon them by an act of incorporation, approved February 10th, 1857, have power:

## Powers.

*First.*—To grant license to retail spirituous and malt liquors within the corporate limits of said town of Washington, and charge therefor a sum not less than one hundred nor more than three hundred dollars per annum.

*Second.*—To license auctioneers and peddlers.

§ 2. This act to be in force from and after its passage.

APPROVED, February 24, 1859.



AN ACT to consolidate the several acts incorporating the town of Waterloo, and In force Feb'y  
to amend the same. 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Waterloo are hereby made a body corporate, by the name of "The Town of Waterloo," the government of which shall be vested in the "President and Trustees of the Town of Waterloo," who, by that name, shall have perpetual succession: may sue and be sued, complain and defend, plead and be impleaded, in any court of law or equity; take, hold and purchase such real, personal or mixed estate, within or without the corporate limits, and to sell, lease or convey and improve and protect the same, as the purposes of the corporation to them may seem to require; and also to have a common seal, and alter the same at pleasure. And the inhabitants of said town shall be exempt from all road labor and road tax levied by the county court of Monroe county.

### *Boundaries.*

§ 2. The boundary lines of said corporation shall be established as follows: Beginning at a post from which the northwest corner of the dwelling house of the widow Ditch bears south 67 degrees 45 minutes, east 146 links; thence west 80.00 chains, set a post, from which a post-oak 24 inches in diameter bears south 68 degrees, west, 34½ links; thence north 80.00 chains, set a post, in Joseph Drury's meadow, from which the southeast corner of his springhouse bears north 40 degrees, west 4.82 chains; thence east 80.00 chains, set a post in Dryden Rogers' orchard, from which an apple tree, 6 inches in diameter, bears north 62½ degrees, west 12 links; thence south 80.00 chains, to the beginning—all running at a variation of 8 degrees east: *Provided*, that the corporate authorities of said town may extend the boundaries of the same, so as to include within the limits thereof any addition to said town not included within the limits of said town as established by this act.

### *Elections.*

§ 3. In all elections, under this charter, two weeks' public notice shall be given of the time and place thereof, by an advertisement in some paper published in Waterloo, or by posters put up in four of the most public places in said town; and three of the acting trustees shall act as judges, and two as clerks of such election; they having first taken the oath prescribed by law for the judges and clerks of election for county officers. Every white male, over twenty-one years of age, resident of said town one year next preceding

such election, shall be entitled to vote thereat: and, in all other respects, such elections shall be conducted as may at the time be prescribed by law for the election of county officers.

### *Town Officers.*

Officers.

§ 4. The town officers shall consist of a board of five trustees, to be elected annually, on the first Monday of December, by the qualified voters of the town, who shall, at their first meeting thereafter, appoint one of their number president, another treasurer, another secretary. The board shall then appoint a town constable, street inspector and town weigher and assessor: *Provided*, the board may, at any time, appoint such other officers and agents of the corporation as they may, from time to time, deem necessary; whose duties and liabilities they shall prescribe by ordinance. All the town officers shall hold their places for one year and until their successors are chosen and qualified, unless sooner removed or otherwise provided by the board. They shall each, before entering upon his official duties, take and subscribe an oath to support the constitution of the United States, the constitution of this state, and to discharge faithfully all the duties devolving upon him, under this charter, and the rules, regulations, by-laws and ordinances of the board. No person shall be eligible to the office of trustee who shall not [have] attained the age of twenty-one years, who shall not have resided in the town one year next preceding his election, and who shall not be a citizen of the United States and a *bona fide* freeholder and tax payer in said town. Any trustee or other town officer, who shall be guilty of palpable omission of duty, or who shall be willfully and corruptly guilty of oppression, malconduct or partiality in the discharge of his official duties, shall be liable to be indicted in the circuit court of Monroe county, and, on conviction, shall be fined not more than one hundred dollars, and, on recommendation of the jury, the court may order him to be dismissed from office. And every officer shall, at the expiration of his term, deliver to his successor all books, papers, tools and furniture belonging to his office. Every town officer shall make a full report of all his official acts, receipts and expenditures to the board, when they shall require. If any town officer shall remove from the town, his office shall thereby be vacated. The board shall judge of the qualifications, elections and returns of its members, and shall determine all contested elections to said board. All vacancies in the board of trustees shall be filled by election by the qualified voters of the town, and the trustees so elected shall serve only for the unexpired term of his predecessor.

*The President.*

§ 5. It shall be the duty of the president to preside and President.  
 preserve order at all meetings of the board, except in case  
 of absence or inability to act, when some other member  
 shall be chosen president *pro tem.*; to punish breaches of  
 decorum therein by fines of less than five dollars, collectable  
 before any magistrate of Monroe county; to decide all ques-  
 tions of order, subject to appeals to the board; to appoint  
 all committees, unless otherwise ordered by the board; to  
 call special meetings of the board, when the interests of the  
 town require, or any two members of the board desire it;  
 to take care that the charter and ordinances, rules, regula-  
 tions and by-laws of the board are duly enforced and ob-  
 served; to personally attend all trials thereof, and prosecute  
 or defend for the interests of the town, and report to the  
 secretary all fines imposed; to keep himself fully informed  
 of the official conduct of all officers of the town, and cause  
 any neglect or violation of duty chargeable on them to be  
 duly prosecuted and punished; and to give to the board,  
 from time to time, information relative to the town, and re-  
 commend such measures as he shall deem advantageous to  
 its interests; and until the next regular election of trustees  
 of said town, (at which election the legal voters thereof shall  
 elect a police magistrate, as provided by law,) the president  
 and trustees of said town shall designate, by ordinance of  
 the board, some justice of the peace residing within the said  
 corporate limits, who shall have exclusive jurisdiction of all  
 suits and actions arising under this charter and the ordi-  
 nances, except in case of his absence or inability to serve,  
 when some other justice of the peace in the precinct may  
 act; and he shall be allowed the same fees as are allowed  
 for similar services to other justices of the peace: *Provided*,  
 changes of venue, appeals and writs of *certiorari* shall be  
 allowed in all cases arising under this charter and the ordi-  
 nances, as in all other suits before justices of the peace:  
*Provided, also*, the said corporation shall be entitled to ap-  
 peal in any case to which they may be parties, by causing  
 their secretary to execute a bond in the name of said corpo-  
 ration, in form now prescribed by law in other suits, with-  
 out other security; and an order entered on the record of  
 said corporation, directing said appeal, shall be sufficient  
 evidence of the authority of the secretary to sign said bond;  
 and in all other respects the rules and practice before the  
 police magistrate, or any other magistrate, in suits arising  
 under this charter and the ordinances, shall conform to the  
 rules and proceedings before other justice of the peace, ex-  
 cept when changed or modified by the ordinances of the  
 board.



*The Treasurer.*

Treasurer.

§ 6. It shall be the duty of the treasurer to receive all moneys due the corporation, giving only his receipt therefor, and pay out the same upon warrant of the board, signed by the president and countersigned by the secretary. He shall keep, in a well bound book, a fair account of all such receipts and payments, and report thereof to each regular meeting of the board.

*The Secretary.*

Secretary.

§ 7. It shall be the duty of the secretary to keep, in a well bound book, a record of all the proceedings of the board, and a faithful account of all its fiscal affairs; to file and carefully preserve all books, maps, records and papers relating to his office and the corporation, and furnish duly attested transcripts therefrom, when required; to draft and countersign all warrants for the payment of money; to issue all licenses and permits, and give due notice of all elections, contracts and lettings, and all other matters requiring publication, when ordered by the board; and to perform what other duties may be required of him by the board.

*The Town Constable.*

Town constable.

§ 8. The town constable shall give bond, qualify, and have power and jurisdiction as other constables of Monroe county; and it shall be his duty to serve and execute all processes and papers in all suits relating to the corporation; but in case of his absence, inability or refusal, the coroner or any other constable of Monroe county may, and it is hereby made his duty to act in his stead; to preserve order and quiet in the town; to enforce the laws and the ordinances, and prosecute all breaches thereof; to arrest offenders, with or without process, and proceed with them to a speedy trial; to collect fines, forfeitures and other moneys due the corporation, and attend all meetings of the board. He shall be *ex officio* collector of all taxes and assessments levied by the board, and shall do and perform such other acts and duties as the board may prescribe. It is hereby made competent for any process relating to the corporation to be executed anywhere in Monroe county.

*The Town Assessor.*

Assessor.

§ 9. The town assessor shall perform all the duties required of him by this charter and the ordinances of the board in assessing property, for the purpose of levying the taxes imposed by the board. In the performance of his duty he shall have the same powers as are or may be given

to county assessors, and be subject to the same liabilities : *Provided*, the board may, by ordinance, change or modify his duties and liabilities, in any manner not inconsistent with the laws of this state.

### *Street Inspector.*

§ 10. It shall be the duty of the street inspector personally to superintend the opening, widening, altering, paving, grading and repairing of all streets, lanes, avenues, alleys and side-walks, and the construction and repairing of all bridges and culverts within the town limits; to hire teams, and to provide and safely keep any tools and implements needed for any of the above purposes; to order out and superintend all street laborers, and collect, by suit or otherwise, all delinquent dues thereof; to remove all nuisances from the streets, lanes, alleys and public grounds, and enforce the abatement or removal of all nuisances from private grounds; superintend the deposit of dirt, building materials and anything else whatever upon the streets and alleys; to keep a record of all his official acts, receipts and expenditures, and further do and perform such other acts as the board may require of him.

Street Inspector.

### *The Town Weigher.*

§ 11. It shall be the duty of the town weigher to attend to the town scales, from sunrise to sunset each day, Sundays excepted, and weigh whatever may be presented, marking and branding the same, when required, and give a certificate of its weight, making proper deductions for mud, wet and dross, and charging and collecting such fees as shall be prescribed by the board; to keep a regular tabular account of all his proceedings, and do and perform such other acts as the board may require.

Weigher.

### *Official Bonds.*

§ 12. The president, treasurer, town constable, town assessor, street inspector and town weigher, and such other officers as the board may, from time to time, direct, shall each, before entering upon his official duties under the corporation, file with the secretary his bond, in such amount and with such security as the board may direct and approve, conditioned for the faithful discharge of all his duties under this act, and the rules, regulations, by-laws and ordinances of the board. And the board may, at any time, for proper cause, order a new bond, with additional security and increased penalty.

Bonds.

*Powers of the Board of Trustees.*

General pow-  
ers.

§ 13. The board of trustees shall have power to ordain and establish such rules, regulations, by-laws and ordinances, and impose such fines, forfeitures and penalties for the breach thereof, as they shall deem necessary for the government and direction of said corporation, and for the management, control, disposition and application of its corporate property, and for carrying into full force and effect all the powers, duties and privileges herein and hereafter granted and enumerated. They shall also have power—

*First.*—To provide for all town elections; to regulate the election and appointment of town officers; to provide for filling all vacancies therein, and to provide for removing from office, for malfeasance or other just cause, any officer holding office created by ordinance, or under this act.

Fees.

*Second.*—To fix, alter and regulate the fees and salaries of all town officers, jurors, witnesses and others, for services rendered under this act or any ordinance: *Provided*, no increase in the fees or salary of any officer shall take effect until after the next regular election after the passage of the ordinance, resolution or order authorizing such increase.

*Third.*—To determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of four members, expel, suspend or remove, for proper cause, any member of the board, or any officer appointed by the board.

Police.

*Fourth.*—To regulate the police of the town; impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; and to provide for the punishment, by imprisonment in the county jail, of all offenders who shall fail or refuse to pay the fines and forfeitures recovered against them; but no such fine shall exceed fifty dollars, nor the imprisonment five days.

Riots.

*Fifth.*—To prevent, restrain and suppress any riot, rout, noise, disturbance or disorderly assemblage in any street, house, building or place in the town, and to preserve good order and harmony in said town; to punish for open indecency, breaches of the peace, horse racing, fast or careless riding or driving through the town.

Licenses.

*Sixth.*—To tax, regulate, restrain, license, and, for proper cause, revoke such license; prohibit or suppress tippling houses, dram shops, nine or ten pin alleys, billiard saloons, bawdy and other disorderly houses, gambling and gambling houses, and the traffic and selling of spirituous, vinous and malt liquors.

*Seventh.*—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

*Eighth.*—To license, tax and regulate auctioneers, merchants and retailers, stores, groceries, beer houses, taverns,



houses of entertainment, ordinaries and other places of trade, hawkers, peddlers, pawnbrokers and money changers.

*Ninth.*—To license, regulate and tax all public vehicles, fix the rates for the carriage of persons and the transportation of property.

*Tenth.*—To open, alter, abolish, widen, extend, vacate, establish, grade, pave and otherwise improve and keep in repair streets, lanes, avenues, alleys and side-walks; to prevent encroachments into and upon and to remove all obstructions from the streets, lanes, avenues, alleys and side-walks, and provide for the construction, repair and cleaning of all side-walks, curb-stones and gutters, at the expense of the owners of the ground fronting thereon. Streets, &c.

*Eleventh.*—To establish, erect and keep bridges and culverts in repair.

*Twelfth.*—To erect market houses, establish markets and market places, and provide for the government and regulation thereof. Markets.

*Thirteenth.*—To provide for the erection, control and management of all needful public buildings for the use of the town.

*Fourteenth.*—To provide for inclosing, improving and regulating all public grounds belonging to the town.

*Fifteenth.*—To establish standard weights and measures, and regulate the weights and measures to be used in the town, in all cases not otherwise provided for by law.

*Sixteenth.*—To provide for the inspection and measurement of lumber and other building material. Inspection.

*Seventeenth.*—To provide for the inspection and weighing of hay, grain and stonecoal, and the measuring of charcoal, firewood and other fuel, to be sold or used within the town.

*Eighteenth.*—To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

*Nineteenth.*—To provide for the prevention and extinguishment of fires, and to organize, establish and regulate fire and hook and ladder companies. Fires.

*Twentieth.*—To regulate and order the fixing of chimneys, flues and parapet walls and partition fences.

*Twenty-first.*—To regulate the storage of gunpowder, tar, pitch, rosin, turpentine and other combustible materials.

*Twenty-second.*—To provide for taking an enumeration of the inhabitants of the town.

*Twenty-third.*—To provide the town with water, to dig and finish wells and cisterns, and to erect pumps in the streets of said town. Water.

*Twenty-fourth.*—To provide for the prevention of dogs, hogs and all other stock from running at large in said town.

*Twenty-fifth.*—To borrow money for those purposes on the credit of the town, and issue the bonds of the town Borrow money

therefor; but no sum of money shall be borrowed at a higher rate of interest than ten per cent. per annum; nor shall a greater sum or sums at any one time be borrowed, nor at any time be outstanding, than amount in the aggregate to five thousand dollars; nor shall any bonds be issued or negotiated at less than par value.

#### Taxes

*Twenty-sixth.*—To levy and collect taxes, not exceeding three-fourths of one per cent. upon the assessed value thereof, upon all personal and real property, moneys and credits, within said corporation, to be applied for the benefit of the corporation.

### *Proceedings of the Board.*

#### Meetings.

§ 14. The stated meetings of the board shall be on the first Saturday of every month, until otherwise ordered by the board, at such place as the board may direct. Special meetings may be called by the president or any two members of the board, by ordering the town constable, whose duty it is hereby made to notify the other members, either in person or by written copy left at each one's residence. Three members of the board shall constitute a quorum to do business, but a less number may meet and compel the attendance of absentees. No member shall vote upon any question before the board in which he is personally interested, nor shall any town officer be security in any bond, note or obligation given to the board. All ordinances, resolutions and decrees passed by the board shall be styled, "*Be it ordained (or resolved, as the case may be) by the president and board of trustees of the town of Waterloo,*" &c.; and they shall be in force from and after ten days after publication by an advertisement in some paper published in Waterloo, or by posting up copies thereof in four of the most public places in said town; and such ordinances, decrees and resolutions shall be proven by certificate of the secretary, with the seal of the corporation attached, and may be received as evidence in all courts and places, without further proof. The official books, papers, records and accounts of the board and all officers of the corporation shall be open to inspection, at all reasonable times, upon application to the proper officer. All petitions and remonstrances of the citizens shall be received and respectfully considered. The secretary, at least two weeks prior to the annual election for town trustees, shall make out and place upon the records of the board a full and complete statement, item by item, of all the fiscal affairs of the corporation, naming the person and purpose of each receipt, expenditure, debt, fine, claim and demand; which shall be made public at least one week prior to said election, by an advertisement in some paper published in Waterloo, or by copies thereof posted in four of the most public places in

said town; and any willful neglect or refusal of the secretary to make such report, record and publication, or any willful hindrance or misdemeanor, shall render him liable, on conviction, to a fine not exceeding one hundred dollars.

*Taking Private Property for Public Use.*

§ 15. Private property shall not be taken for the opening, widening or altering of any public street, lane, avenue or alley, unless upon petition, signed by thirty legal voters of said town, and notice given by publication in some newspaper published in said town, or by notices posted in four of the most public places in said town, of the time and place of presentation of such petition to the board of trustees, who shall at such time, or at some other time appointed by them, proceed to hear and determine the matter. When it shall be necessary to take private property for any of the purposes above specified, the corporation shall make just compensation for damages to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the board of trustees of said town shall select, by ballot, five commissioners, legal voters of said corporation, and not directly interested in the question, who shall proceed, having been first duly sworn, to make assessment of such damages fairly and according to law; to examine the premises, and hear all parties interested in the matter who may appear before them; they, or a majority of them, shall make out their award in writing, and return the same to the board of trustees, under their hands and seals, with a certificate of their oath, by them taken; and in case they, or any three of them, shall be unable to agree upon any award, they shall be discharged by the board, and other commissioners in like manner selected in their places; they shall also assess upon the property in the town, by them deemed benefited by the opening, widening or altering such street, avenue, lane or alley, the damages by them assessed therefor in rateable proportion, and report the same with their assessment; and the board of trustees shall issue their warrant for the collection of the same, against the owner of the land so reported to be benefited, to the town constable; and the same is hereby declared to be a special tax, and a lien on the lands so reported to be benefited, and shall be collected in all respects as other corporation taxes are, unless they are paid to said constable within seventy days from the issuing of said warrant. An appeal may be taken from the award for damages made by said commissioners, by the board of trustees, or the owner of the property so taken, to the circuit court of Monroe county, in the same manner, and with the same effect, as in the case of appeal from a judgment of a justice of the peace; the bond in such appeal to be filed with the clerk of the circuit court,

Taking private property.



and the proceedings of the circuit court on such appeal shall be the same as in cases of appeals from judgments of justices of the peace. Either party to such appeal shall have the right to have the same tried by a jury, who shall assess the amount of damages sustained by the owner of the property taken as aforesaid, and the court shall determine the amount of costs to be paid, and may apportion the same between the parties, as he shall think just and proper. The amount of the damages assessed by the jury or the court on such appeal shall be assessed by the board of trustees upon the property deemed and reported by said commissioners to be benefited by the opening, widening or altering of such street, avenue, lane or alley, in rateable proportion, according to the valuation thereof adopted by such commissioners; and the warrant of the board of trustees shall be issued by them for the collection of such damages, as in case no appeal had been taken. Should the owner of any land upon which any special tax is assessed under this act be unknown, he may be so described in all proceedings to assess and collect the same. The board of trustees may, for good cause shown, and application filed in the office of the secretary of the board within ten days after the return of the award of the commissioners appointed under this act, open and set the same aside, and cause another assessment to be made by the same or other commissioners.

### *Collection of Taxes and Assessments.*

#### Collection.

§ 16. The president and trustees of said town of Waterloo shall have power by ordinance to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to the re-issuing, altering or adding to the lists, as they may deem proper and expedient. The annual assessment lists shall be returned by the assessor on or before the first Saturday in May in each year; but the time may be extended by order of the board. On the return thereof, the board shall fix a day for hearing objections thereto, and the secretary shall give notice of the time and place of such hearing by publication in some paper published in Waterloo, or by notices posted up in four of the most public places in said town at least ten days before such meeting; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections. The board shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same, with the assistance and advice of the assessor, who shall be present at said meeting, or at any other time the board may for that purpose require him. When the assessment lists have been

corrected and revised, the same shall be filed, and an ordre confirming the same shall be entered by the secretary. The board shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, specifying the purposes for which the same are levied, and, if not for general purposes, the part or portion of the town upon which the same are laid, and also direct the warrant to be issued for the collection thereof. All taxes and assessments, general or special, levied or assessed by the board under this act, or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid; and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be liable for the taxes on personal estate, in case of removal, or when the same cannot be made out of the personal estate in the same manner as is prescribed by the laws of the state: *Provided*, That in case the collection of any assessment shall be delayed by injunction, or any other proceeding, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding. The secretary shall issue a warrant or Warrant. warrants for the taxes, and set down, in a column or columns ruled for that purpose, the amount of taxes levied, opposite the name of the person or real estate subject thereto. He may set the different taxes down in separate columns, or compute together as one tax, any two or more of the taxes levied by the board, and include the total amount of the taxes so computed together as one tax in such warrant or warrants, and in all warrants, orders of sale or other proceedings in relation to the collection of taxes under the provisions of this act. All warrants issued Collection. for the collection of general or special taxes and assessments shall be signed by the president and secretary of the board, with the seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector for collection within thirty days after the filing of the corrected lists, unless further time for this purpose shall be given by the board. If not otherwise paid, the collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the collector in some paper published in Wa-

Non-payment

terloo, or by notices put up in four of the most public places in said town, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. All taxes and assessments, general or special, shall be collected by the collector with the same power and authority as given by law to collectors of state and county taxes. He shall pay the same, as fast as collected, into the town treasury, and his duty in regard to returning warrants and settling with the board, and his liabilities in case of default or misconduct, shall be the same as prescribed by law: *Provided*, The board shall [have] power to prescribe the powers, duties and liabilities of the collector by ordinance. In cases of non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within two years after the confirmation of the assessments by the board. Before any such sale, an order shall be made by the board, which shall be entered at large upon the journals or records kept by the secretary, directing the collector to sell, describing the delinquent premises to be sold, and the assessment for which the sale shall be made; a certified copy of which order, under the corporate seal, signed by the president of the board and secretary, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale shall be made.

Advertisement

The collector shall then advertise such premises for sale, by notice published in some paper printed in Waterloo, or by a notice posted on the door of the court house in said town; which notice shall describe the premises, by figures or otherwise, and state the name of the owner, when known, and the amount or amounts of taxes assessed thereon, and costs, and also the time and place of sale, and shall be published at least ten days before the time of sale. The proceedings may be stopped on the payment of the taxes or assessments and interest, with the expenses of advertising.

Sales.

All sales shall be conducted in the manner required by law, but the board shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. A certificate of sale shall be made out by the secretary, subscribed by the collector and countersigned by the secretary, and delivered to the purchaser; which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses, for which the same was sold, and the time when the right to redeem will expire. The secretary shall assist the collector in making said sales, and they shall respectively be entitled to the same fees for selling as are allowed by law for similar ser-



vices, or their fees may be regulated by ordinance. The secretary shall make a record of such sales, which record shall be open to inspection at all reasonable times. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *femme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the secretary, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the board shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser under the corporate seal, signed by the president of the board, and countersigned by the secretary, conveying to said purchaser the premises so sold and unredeemed as aforesaid. An entry of the execution and delivery of all deeds so made, and of the date and grantee therein, shall be made by the secretary in the book wherein tax sales are recorded. A fee of one dollar may be charged by the secretary for any deed so issued. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the town shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser. If, at any sale of personal or real estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the town, and thereupon the town shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sale. All deeds made to purchasers of lots sold for taxes or assessments by order of the board, shall be *prima facie* evidence, in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts: *First*, that the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law; *Second*, that the taxes or assessments were not paid at any time before the sale; *Third*, that the land conveyed had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the following facts: *First*, that the land or lot was advertised for sale for the length of time and in the manner required by law; *Second*, that the land was sold for taxes or assessments as stated in the deed; *Third*, that the grantee in the

Redemption.

Assignment.

Deeds.

deed was the purchaser; *Fourth*, that the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption, under the laws of the state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale; or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the lands have been paid by such person, or the person under whom he claims title as aforesaid.

### *Application of Moneys.*

Moneys.

§ 16. All moneys arising from fines, forfeitures and penalties, and all moneys arising from licenses, taxes and assessments, and all moneys borrowed by the board of trustees, shall be paid into the treasury, and go to the use of the inhabitants of the town of Waterloo in their corporate capacity, to be appropriated and expended by the board for the advancement, improvement and benefit of said town: *Provided*, that said town shall support and maintain her own paupers.

### *Witnesses and Jurors.*

Witnesses and jurors.

§ 17. No inhabitant or officer of said corporation shall for that cause be disqualified as a witness or juror in any suit or proceeding wherein the corporation may be a party or interested.

### *Copies of Printed Laws.*

§ 18. The copy of Blackwell's Statutes now in the possession of the clerk of the county court of Monroe county for the police magistrate of said town of Waterloo, shall be delivered to the president of the board of trustees for the use of the board—shall be entitled to copies of the statutes, as are justices of the peace and other county officers.

*Repeal.*

§ 19. All laws and parts of laws heretofore passed in- Repeal.  
 corporating the town of Waterloo are hereby repealed; but  
 such repeal shall not abrogate nor affect any ordinance, regu-  
 lation, by-law or resolution now in force in said town not  
 inconsistent herewith: nor shall it invalidate or affect any  
 act, liability, or past transaction, or matter of any kind  
 under or in possession of any of the said laws; but the  
 same shall remain and be upheld in the same manner as if  
 said laws continued to remain in force.

§ 20. This act to take effect from and after its passge.

APPROVED February 18, 1859.

AN ACT entitled an act authorizing the town of West Belleville, in St. Clair In force Feb'y  
 county, to borrow money. 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of West Belleville, in St. Borrow money.  
 Clair county, be and are hereby enabled to borrow money  
 on the credit of said town, in accordance with existing laws,  
 at an interest not exceeding ten per cent. interest per  
 annum; and issue bond therefor, in such sums and on such  
 terms as the said trustees think best.

§ 2. This act to take effect and be in force from and  
 after its passage.

APPROVED February 24, 1859.

AN ACT to incorporate the town of Wheaton.

In force Feb'y  
 24, 1859.

*Be it enacted by the People of the State of Illinois repre-*  
*sented in the General Assembly,* That the original inhabitants  
 of the town of Wheaton, in the county of Du Page, residing Body corporate  
 on the north half, the southwest quarter and the west half  
 of the southeast quarter of section sixteen, the south half of  
 the northeast quarter and the east half of the southeast  
 quarter of section seventeen, township thirty-nine north,  
 range ten east of the third principal meridian, are hereby  
 declared a body corporate and politic, with all the rights,  
 privileges and powers conferred upon the village of Naperville,  
 by an act entitled "An act to incorporate the village of  
 Naperville," approved February seventh, one thousand



eight hundred and fifty-seven; also, all amendments to the above corporation, which may be passed during the present session of the general assembly: *Provided*, that the president of said board shall not be admitted as a member of the board of supervisors of the county of Du Page: *Provided*, that the president and trustees of said town shall have the exclusive power and privilege of licensing, prohibiting and suppressing the sale of any wine, rum, gin, brandy, whisky, or other vinous, spirituous, mixed, malt or fermented liquors, within the limits of said corporation.

License.

Election.

§ 2. The first election shall be held on the third Monday of March, A. D. one thousand eight hundred and fifty-nine, and Erastus Gary, L. J. Bliss, Seth F. Daniels and J. C. Wheaton, or any two of them, may act as judges of said election.

§ 3. This act to be in force and take effect from and after its passage.

APPROVED February 24, 1859.

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In force Feb'y AN ACT to change the name of Middletown, in McDonough county, to that of  
24, 1859. Young

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the town of Middletown, in the county of McDonough, be and it is hereby changed to that of "Young:" *Provided, however*, that the change of name hereby granted shall in nowise affect contracts or conveyances heretofore made.

Name changed.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

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In force Feb'y AN ACT to incorporate the Ottawa Northern Turnpike Company, and to authorize the sale of the Ottawa Northern Plank Road.  
24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Israel G. Cooper, William T. Hinkson, Isaac Pool, Hiram D. Olmstead, William M. True and Lorenzo Leland, and such persons as may become associated with them, are hereby incorporated under the name and style of "The Ottawa Northern Turnpike Company," and said company may be organized as soon as twenty thousand dollars shall be sub-

Incorporation.

scribed to its capital stock, and two per cent. thereon actually paid in.

§ 2. The Ottawa Northern Plank Road Company are hereby authorized to sell their road and its appurtenances to said turnpike company, at such time and upon such terms as may be agreed upon by said companies, and when said plank road shall have been sold and conveyed to said turnpike company, the corporate existence of said Ottawa Northern Plank Road Company shall cease. Authority to  
sell road.

§ 3. When the purchase of said plank road shall have been made by said turnpike company, said company may construct a road of stone or gravel in place of said plank road, using, however, plank for such portion of said road as they may deem expedient; and said company is also authorized to extend said turnpike road from the northern terminus of said plank road to the village of Earlville, in La Salle county; and said road may be extended upon any public highway between the points aforesaid, provided that such use of the highway shall first be authorized by the board of supervisors of said county. Stone or gravel  
road.

§ 4. Said turnpike company may provide for the election of its officers and define their duties and the manner in which its business shall be conducted, by by-laws: *Provided*, that nothing in said by-laws shall conflict with the constitution and laws of this state. Officers.

§ 5. Whenever said company shall represent to the circuit court of said county that two miles or more of said road shall have been built and completed, with stone, gravel or plank, said court shall appoint three suitable persons, who shall be sworn faithfully to discharge the duties of their appointment, and shall proceed to view said road, and shall report its condition to said court. Said court may hear any evidence touching said question that may be offered, and if said court shall find that two miles or more of said road have been properly completed, as aforesaid, it shall cause an order to that effect to be entered of record and, thereupon, said company may erect a toll gate on said road, and collect the following rates of toll thereon: For every vehicle, drawn by two animals, five cents per mile; for each additional animal, two cents per mile; for a vehicle, drawn by one animal, three cents per mile; for each horse or mule, rode or led, two cents per mile; for each head of cattle, one and one-half cents per mile; for each head of sheep or swine, one cent per mile. View.  
  
Rates of toll.

§ 6. In extending said road, as aforesaid, said company may obtain the right of way and materials for the construction of said road, in the manner now provided by law for obtaining the right of way for railroad purposes. Right of way.

§ 7. If said company shall fail to keep said road in good repair, and in a suitable condition to accommodate the public travel, it shall be lawful for any person to sue out of the Repair.

circuit court of said county a writ of *quo warranto* against said company; and if upon the hearing of said writ said court shall find that said road is out of repair and not in a suitable condition to accommodate the public travel, said court shall order said road to be opened to the public free of tolls, until said road shall be repaired and placed in good condition; and if said road shall not be so repaired within a reasonable time, to be fixed by said court, the right of said company to collect tolls upon said road shall forever cease.

Towns may  
take stock.

§ 8. Any town in La Salle county may take stock in said turnpike company: *Provided*, that at the annual town meeting in such town, a majority of the legal voters voting at such town meeting, shall vote to take such stock, and shall determine the amount of stock to be taken by such town; and shall provide for the payment of the amount of such stock, to the satisfaction of said company; and such town may issue its bonds for the amount of the stock voted to be taken, in such manner and upon such time and bearing such interest, not exceeding ten per cent., as shall be directed by vote of such town meeting; and the supervisor and town clerk of such town shall execute all bonds or other obligations which shall be directed to be issued by a vote of the electors at such town meeting: *Provided*, the amount of stock to be taken by any one town shall not exceed five thousand dollars; and such town may at any annual town meeting, by vote of the electors thereof, require a tax to be levied in such town for the purpose of paying the interest and providing a sinking fund for the payment of the principal of the bonds or other obligations, which shall be issued, as aforesaid, to be collected as other town taxes are; and the supervisor of such town shall represent the stock of such town in all the meetings of stockholders; and he may exchange the stock of such town for the bonds or other obligations of the town, provided the same be done without loss to such town.

Provisions ap-  
plicable.

§ 9. The provisions of sections 4 and 27 of an act entitled "An act to provide for the construction of plank roads by a general law," approved February 12th, 1849, and the provisions of section 6 of an act amendatory thereof, approved February 1st, 1851, and the provisions of section three of an act entitled "An act to amend an act to provide for the construction of plank roads by a general law, approved February 17, 1857, shall be applicable to the said turnpike company, and to the road to be constructed by said company, under the provisions of this act. If the said turnpike company shall not be able to purchase said plank road, and said plank road company shall abandon their road and remove the plank therefrom, and said road shall become a common public highway, said turnpike company shall have the right to construct their road upon the track



of said plank road; or in case said turnpike company shall not purchase said plank road they may construct their turnpike road aforesaid upon any highway leading from Ottawa to Hardin, after having first obtained from the board of supervisors of said county license to do so.

§ 10. Unless said turnpike company shall commence the construction of their road within two years from the passage of this act, the powers herein granted shall be at an end; and said company shall have no right to extend said road beyond the point to which it shall have been actually completed within six years from the passage of this act. Time.

§ 11. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to incorporate a turnpike or macadamized road from Prairie du Rocher, in Randolph county, to the Mississippi river, in the American Bottom. In force Feb'y 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That such persons as shall become stockholders agreeably to the provisions of this act, in the corporation hereby created, shall be for the term of fifty years, from and after the passage of this act, and shall continue to be a body corporate and politic, and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity; may have and use a common seal, and alter the same at pleasure; may make rules, regulations and by-laws, for the management of their property and regulation of their officers, [affairs,] and transfer of their stock, not inconsistent with the laws and constitution of the United States, and the laws and constitution of this state. Body corporate

§ 2. Said corporation shall have power to construct, maintain and continue a turnpike or macadamized road, of such width as may be deemed advisable by the directors of said company, from the village of Prairie du Rocher to the most eligible place at the Mississippi river for a landing place, either at or near the present Fort Chartres Landing, with power of branching said road, if found necessary, to the most convenient place for a landing. Capital stock.

§ 3. The capital stock of said company shall be ten thousand dollars, which shall be considered personal property, and divided into shares of ten dollars each: *However,* said capital stock may be increased to the amount sufficient to complete said road and branches; and said company is hereby authorized and empowered to borrow any sum of money, not exceeding six thousand dollars, at any rate of Commissioners

interest, not exceeding ten per centum per annum, and to execute bonds or other writings, evidencing said indebtedness, and binding upon said company. Said company shall also have the power to execute a mortgage upon said road and branches, and its profits, tolls and property, real and personal, for the further securing the payment of any sum or sums of money which may be thus borrowed; which bonds, writings and mortgages shall be properly executed by the president of said company, under the authority of the board of directors.

Powers.

§ 4. That Franklin W. Brickey, Abraham H. Lee, James D. Sprigg, Antoine Blais, Eloy Roy, Richard D. Durfee, James R. Allen, Charles G. Gore, Daniel S. Fairchild, Ira Gilbert, Patrick T. Faherty, Edward Faherty and Henry Mc-Simmon, or a majority of them, shall be commissioners for receiving subscriptions to the capital stock of said company, and shall require at least five per cent. upon the amount of subscriptions to be paid down at the time of subscribing.

Directors.

§ 5. The affairs of said company shall be managed by three directors, two of whom shall form a quorum, for the transaction of business; and as soon as the sum of two thousand dollars shall be subscribed to the capital stock of said company the commissioners named in this act shall call a meeting of the stockholders, at some convenient place, in Prairie du Rocher, for the purpose of electing directors. Notice of said meeting shall be given at least two weeks previous to the time of holding thereof. The said directors shall hold their office for the term of one year and until their successors are elected and qualified. The stockholders may vote personally, or by proxy in writing, and shall be entitled to one vote for each share of stock held by them. All subsequent elections, after the first, shall be held at such time and place as may be fixed by the by-laws of said corporation.

Opening books.

§ 6. It shall be the duty of said commissioners, or a majority of them named in this act, within one year after the same takes effect, to open books at Prairie du Rocher, aforesaid, for the purpose of receiving subscription to the capital stock of said company; and notice of the time and place when and where said books will be opened shall be given by said commissioners, by publication in a newspaper published in Randolph county, for at least two weeks previous thereto.

§ 7. Upon the election of directors and the organization of the board of directors said commissioners shall deliver over to said board all moneys received by them on subscription to said capital stock, together with all subscription books and all other property pertaining to the business of said company, which may be in their hands.

Time of beginning.

§ 8. Said company shall commence the construction of said turnpike or macadamized road within two years from the time this act takes effect, and shall complete the same

within five years thereafter; and, as soon as any one mile of said road shall be completed, may erect toll-gates thereon and collect the toll allowed by this act; and the said directors are hereby authorized to locate and construct said road on any lands owned by this state, or by individuals, on the route of said turnpike or macadamized road, by paying to the owner thereof all damages which shall arise or accrue by taking the same; but in case where said damages cannot be agreed upon between the parties the same shall be estimated, settled and obtained by proceeding under the provisions of an act, entitled, "An act to amend the laws condemning the right of way for purposes of internal improvements," approved June 22, 1852. The county court of Randolph county may, by an order entered on record, authorize said company to use, for the construction of said turnpike or macadamized road, any of the public roads of said county.

§ 9. The said corporation shall have power to fix and regulate the toll to be charged and paid for passengers on said road: *Provided*, said toll shall not exceed the following rates: For every vehicle drawn by two animals, three cents per mile, and one cent additional for each mile for every animal more than two; for every vehicle drawn by one animal, two cents per mile; for every horse and rider or led horse, one cent per mile; for every five of neat cattle, one cent per mile; and it shall be lawful for any toll gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and if any person shall pass a toll-gate forcibly and without having first paid the legal toll, for every such offence shall forfeit and pay to the corporation the sum of five dollars; and if any person shall, to avoid the payment of the legal toll, turn off and pass any toll-gate on said road and again enter upon said road such person or persons shall forfeit and pay to said company the sum of five dollars; and if any person shall tear up, injure or damage any part of said road or anything belonging to said corporation such person shall forfeit and pay three times the amount to the said corporation of damage actually done; and no forfeiture shall be a less sum than five dollars. All forfeitures and penalties incurred under this act may be recovered in any court having cognizance thereof, and may be prosecuted in an action of debt, before a justice of the peace, if the sum does not exceed one hundred dollars.

§ 10. That the shares in said company may be transferred by assignment; and any subscriber to the capital stock of said company shall not be responsible beyond the actual amount of stock by him so subscribed; and said company shall have power to sue for and recover, in any court having jurisdiction of the same, any sum or sums of money or installments thereof which may be subscribed as stock in said road and branches, whenever default shall be made by



the person or persons so subscribing in the payment of such stock or installment thereof. And no property shall be exempt from execution for the collection of such stock, anything in the law to the contrary notwithstanding.

§ 11. This act be in force from and after its passage.

APPROVED February 21, 1859.

In force Feb'y 4, 1859. AN ACT to amend "An act to incorporate the St. Clair Turnpike Company," approved February 13, 1847.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the capital stock of said corporation may be two hundred thousand dollars, or less, not exceeding the cost of constructing said road.

Repeal. § 2. Sections number eleven and twelve of the original charter of said company are hereby repealed, and in lieu thereof, the said company shall be subject to the provisions of an act entitled "An act to amend the several laws relating to plank roads," approved February 18, 1857.

§ 3. The said company may vacate, by resolution, any part of their road within the corporate limits of the town of West Belleville.

Rates of toll. § 4. The county court of St. Clair county may, on the application of said company, fix the rates of toll for all vehicles, carts, wagons and carriages passing over said road, or any part thereof, as now is or may be hereafter provided by law in relation to plank roads.

§ 5. This act shall take effect from and after its passage.

APPROVED February 4, 1859.

In force Feb'y 24, 1859. AN ACT to amend an act entitled "An act to incorporate the village of Naperville," approved February 7, 1857.

Liquors. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the village council of the village of Naperville shall have power to regulate, license, suppress or prohibit the selling, bartering, exchanging and traffic of vinous, spirituous, mixed or malt liquors, within the limits of the village: *Provided*, any druggist may sell the same, in good faith, for purely mechanical, medicinal or sacramental purposes, and for no other: *And provided, further*, that the money paid for licenses granted by virtue hereof, shall be paid into the village treasury.

§ 2. That the provisions of an act entitled "An act to amend the charters of the several towns and cities in this state," approved March 1st, 1854, shall be deemed and taken to apply to said village of Naperville; and sales of lots and real estate may be made by the collector of said village in the cases and in the manner provided in said act. Provision applicable.

§ 3. That section six of article eight of the said act incorporating said village of Naperville shall not be construed as to prevent any suit being brought before any justice of the peace of Du Page county, by any officer of said village, for any fees to which he may be entitled by virtue of any ordinance passed by the village council, whether such fee shall be in the nature of a penalty or otherwise; and this suit shall apply to any suit or suits heretofore, or hereafter to be commenced. Suits.

§ 4. That section five (5,) of article seven (7,) of said act be so amended that where the majority of the real estate or lots upon any street or in any block or blocks is or are owned by one person, or where it may be necessary, in order to make a continuous side-walk upon any street where any sidewalk is or hereafter may be commenced upon or along any street, or when the village council shall deem it necessary, then, in any such case, it shall be lawful for the village council, without any application in writing, or otherwise, to proceed in the manner contemplated by said section, to construct or cause to be constructed a side-walk, as provided for by said section five. Sidewalks.

§ 5. That where any side-walk has heretofore been or hereafter may be built, in pursuance of an ordinance of the village council, it shall be the duty of the owner or owners of the real estate opposite which such side-walk may be built, to keep the same in repair; and upon the failure of any owner of such real estate to repair such side-walk, after receiving ten day's notice, in writing, from the street commissioner, so to do, then it shall be lawful for the village council to proceed to cause such side-walk to be repaired, and may collect the cost thereof from the delinquent, in the manner provided in said act incorporating said village and of this act for the collection of taxes and assessments. Repairs.

§ 6. That the village council of said village shall have power to prohibit, license and regulate the selling of any goods, wares and merchandise or other property, within the corporate limits of said village, at public auction: *Provided*, that this section shall not apply to sales made in pursuance of an order of any court or by any public officer, in pursuance of law. License.

§ 7. This act to take effect and be of force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y AN ACT to change the name of Junction, in Du Page county, to the name of  
24, 1859. Turner.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and  
Name changed. after the passage of this act the village known by the name of "Junction," in the county of Du Page, is hereby changed, and shall hereafter be known by the name of "Turner."

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y AN ACT to incorporate the Chicago South Branch Dock Company.  
19, 1859.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That William  
Incorporation. Green, William S. Sampson, Richard J. Arnold, John F. Hance, Roswell B. Mason, Amos G. Throop, Abraham J. Knisely, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be, and for the time of thirty years after the passage of this act, shall continue to be a body politic and corporate, by the name and style of "The Chicago South Branch Dock Company," and by that name and style shall be capable of suing and being sued, implead, answer or defend, in law or equity, in all courts and places whatsoever; make and use a common seal, and to alter or renew the same at pleasure; and, by their said corporate name and style, shall be capable, in law, of contracting and being contracted with; and shall be and are hereby invested with all the powers, privileges, immunities and franchises of acquiring, by purchase or otherwise, and of holding and conveying all real and personal estate which may be needful or convenient for carrying into effect fully the objects and purposes of this act; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary for such purposes; and, generally, may do every other act or thing necessary to carry into effect the provisions of this act and promote the objects and designs of said company as by this act authorized.

Powers. § 2. The said corporation is hereby authorized and empowered to improve, in such a manner as shall be conformable to the laws of this state, and not contrary to or inconsistent with any of the rights or privileges of the city of Chicago or of any citizen or citizens of this or of the United States, the following described lands and property, situated in the city of Chicago, in the county of Cook and state of Illinois, to-wit: The north fractional part of sec-



tion twenty-nine, in township thirty-nine north, of range fourteen, east of the third principal meridian, excepting the east sixteen and 72-100 acres, and any other lands and appurtenances now or which shall hereafter belong to said company, by laying the same out into lots, streets, squares, lanes, alleys and other divisions, and by surveying, locating, constructing, altering, maintaining and operating seven or any less or greater number of canals, and to connect such canals with the South Branch of the Chicago river, in such a manner as not to injure the navigation of the said river; and to make and use on such lands all such railroads, wharves, workshops, warehouses, stores and such other buildings and improvements as may be found necessary, convenient or ornamental, with full powers of letting, renting, leasing, selling, granting or using any lot or other portion of any such lands, or the improvements made or to be made thereon, for any trade, business or manufacture authorized or permitted by the laws of this state: *Provided*, that the said company and its agents shall, in all cases whatsoever, be subject to and observe the ordinances of the city of Chicago, within the limits of said city.

§ 3. The capital stock of said company shall be six hundred and fifty thousand dollars, which may be increased, from time to time, to any sum, not exceeding the entire amount of the value of such lands, including any and all improvements made and to be made upon the same, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner as may be ordered and provided by the board of directors, who shall have power to require the payment of the sums subscribed by stockholders in such manner and on such terms as they may think proper; and, on refusal, neglect or default on the part of the stockholders or any of them to make payment as and when required by the board of directors, the said company may sue for and collect the same, or may, after thirty days' notice thereof, published in a daily newspaper in the city of Chicago, sell the shares of such delinquent or delinquents, at public auction, under such rules as the board of directors may adopt, the surplus money, if any, remaining after deducting the payments due, with the interest and costs of sale, to be paid to such delinquent stockholder or stockholders or his or their legal representative. The persons named in the first section of this act, or a majority of them, are hereby authorized to dispose of the stock of said company, and to cause books to be opened for subscriptions to said capital stock, in such manner and at such times and places as they may deem expedient. Capital stock.

§ 4. The corporate powers of said company shall be vested in a board of directors, and such officers and agents as such board shall appoint. The board of directors shall Directors.

consist of five persons, who shall be stockholders of said company, to be chosen, annually, by the stockholders; each share having one vote, which may be given in person or by proxy. Such directors to continue in office for one year and until their successors are elected and qualified. Vacancies in the board may be filled, at any time, by two-thirds of the directors remaining. Such appointees to continue in office until the next regular annual election of directors. The officers of said board, and the officers, agents, servants and employees of said company, whether members of the board of directors or otherwise, may be appointed, employed, paid and dismissed, under such rules and regulations, and may be required to enter into such bonds as the board of directors may, from time to time, adopt and direct.

By-laws.

§ 5. The said company shall have power to make all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering, regulating and securing the affairs, business and interests of the company: *Provided*, the same be not repugnant to the constitution and laws of the United States or of this state or to this act.

Borrow money.

§ 6. The said Chicago South Branch Dock Company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding at any one time fifty thousand dollars, as in their discretion the directors thereof may deem necessary to aid in the construction of said docks, railroads and other improvements and works; and to pay interest thereon, not exceeding ten per cent. per annum, payable semi-annually or otherwise, and pledge and mortgage the lands, docks, railroads, real estate, effects, rights, credits and franchises of said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan, at such rates and on such terms as the board of directors may determine; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time, not exceeding ten years from the date of the bond, under such rules as the board of directors may adopt therefor: *Provided, however*, that no mortgage or other conveyance of the real estate of said company shall be valid, unless signed by the president and secretary thereof, and be under the seal of the company, and be duly acknowledged by said president and secretary, before a proper officer, according to law: *And provided, further*, that nothing in this act contained shall be so construed as to vest said company with banking powers, or to authorize them to make, emit or utter any bank note or other device, to be used as money.

§ 7. So soon as the sum of five hundred thousand dollars of the capital stock of said company shall have been subscribed, the said persons named in the first section of this act, or a majority of them, shall give ten days' notice, by publishing in a newspaper printed in the city of Chicago, of an election by said stockholders of a board of directors, as hereinbefore provided. At the time and place appointed in said notice, for that purpose, the said persons named in the first section of this act, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect five directors, by ballot; and the said inspectors present shall certify the result of said election, under their hands, which certificate shall be recorded in the book of records of said Chicago South Branch Dock Company, and shall be sufficient evidence of the election of the directors therein named; and the directors thus elected shall hold their offices for one year and until their successors are elected and qualified; and shall elect one of their number as president of the board. All future elections shall be held at the time and in the manner prescribed by the by-laws and regulations of the said incorporation. Election.

§ 8. The joint stock, property, funds and effects of said company shall be answerable for all the contracts made or authorized by or for the said company and for all just claims against the same; but none of the stockholders shall be liable, in person or property, for any contracts or claims against the said corporation; and the service of legal process on the president or any of the directors shall be sufficient service on the corporation. Liability.

§ 9. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended, and all copies thereof, printed by or under the direction of the general assembly of this state, shall be received in all courts and places whatsoever, in this state, as sufficient evidence thereof, without further proof. Public act.

§ 10. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.



In force Feb'y  
18, 1859.

AN ACT to incorporate the Waukegan Warehouse and Pier Company.

Preamble.

Whereas William H. Wright and others have associated themselves together for the purchase of the warehouse, known as the Middle Warehouse, situated upon lot twelve (12), in block four (4), in Sunderlin's second addition to the town of Little Fort (now Waukegan), in the county of Lake and state of Illinois, and the bridge pier, extending therefrom into Lake Michigan; therefore,

Body corporate

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William H. Wright, William B. Dodge and Clark W. Upton, of Waukegan, Illinois, their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, by the name of "The Waukegan Warehouse and Pier Company," and, by that name, said corporation shall be capable, in law, of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in any court of law or equity; and it is hereby authorized to purchase or construct, maintain and operate a warehouse or warehouses, and also to erect and maintain, as now erected, a bridge pier, extending from said warehouse or warehouses into Lake Michigan, and of such additional length and width as said corporation may deem necessary or expedient; and to acquire, hold, occupy and enjoy all such real estate and personal property as may be necessary and proper to carry out the purposes of the corporation hereby created.

Capital stock.

§ 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and the said stock shall be transferable on the books of said corporation.

Directors.

§ 3. The business of said corporation shall be transacted by two directors, to be chosen annually; and William H. Wright and William B. Dodge shall be and are hereby constituted the first board of directors. The directors shall have full power to control and manage said warehouse and pier, and the construction, extension and repairs thereof; to establish rates of wharfage and storage thereat, and to collect the same; also, to appoint and employ all necessary agents and servants, and prescribe the duties of the same; and to make all needful rules, regulations and by-laws for the full and complete management of the business of said corporation; and to provide and collect all necessary means and moneys, for the acquisition, construction, improvements and repairs of any and all property belonging to said corporation.

Liability.

§ 4. Each stockholder shall be individually liable to the amount of his or her stock in said corporation only.

Annual statement.

§ 5. The directors shall, semi-annually, in each and every year, on the first day of January and July, make a

statement of the affairs of said corporation upon the books thereof, which shall be at all times open and subject to the examination of any stockholder, and divide the net profits, if any there be, among the stockholders, according to the number of shares of each stockholder therein.

§ 6. Any one of said directors may call a meeting of Meetings. the stockholders, by giving three days' notice thereof, either personally or by posting notices of the time and place of said meeting in three public places in said town of Waukegan; and at any such or any meeting of the stockholders, three of them shall constitute a quorum; and a majority of the shares represented by those in attendance shall decide any question properly before such meeting; and each stockholder shall be entitled to as many votes as he or she has shares of stock.

§ 7. It shall be lawful for the directors of said corpora- Borrow money tion, from time to time, to borrow or obtain, on loan, such sum or sums of money, and on such terms as they may deem expedient, for the use of said corporation, and pledge or mortgage all or any part of the estate, improvements, privileges, franchises, effects and assets, whatsoever, of said corporation, for the payment of such sum or sums of money as may be so borrowed or loaned and the interest thereon, at such rates and for such length of time as they shall deem expedient.

§ 8. This act shall be deemed and taken as a public act, and shall take effect and be in force from and after its passage.

APPROVED February 18, 1859.

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DEPARTMENT OF STATE, }  
Springfield, July 1, 1859. }

I, O. M. Hatch, secretary of state of the state of Illinois, do hereby certify that the foregoing, except the words printed in brackets thus, [ ] (which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws and joint resolutions on file in my office.

In testimony whereof I have hereunto set my hand, the day and year aforesaid.

O. M. HATCH,  
Secretary of State.







MINISTIAL SERVICE

STATE TREASURY

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## APPENDIX TO LAWS.

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statement of the ability of said corporation upon the basis of which shall be in all cases open and subject to the examination of any person who may desire to examine the same, and the corporation shall be held liable for the payment of any such amount as may be determined by the court.

It is further provided that all the assets of the corporation shall be held in trust for the benefit of the creditors of the corporation, and the corporation shall be held liable for the payment of any such amount as may be determined by the court. The corporation shall be held liable for the payment of any such amount as may be determined by the court.

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# WASHINGTON ASSOCIATED PRESS

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